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# LOCAL SELF-GOVERNMENT IN WEST BENGAL

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To the Sacred Memory of my Father who inspired me in all my work.

## PREFACE

The present book is based on my dissertation in regard to the 'Study of the Structure of Panchayati Raj' in West Bengal. The Thesis also contained some historical account on Bengal Municipalities. In order to make it a convenient study some revision and modifications have been made. Though 'Local Self-Government in West Bengal' covers both rural and urban wings, still special emphasis has been laid to examine how far effective village self-governing institutions in the shape of Panchayati Raj could be introduced in place of the earlier village institutions like the Union Boards and the District Boards with restricted power and authority. It may be recalled that prior to the present Panchayat Act (W. B. Panchayat Act, 1973) Panchayati Raj in this State was a four-tier system. Its additional tier was the Anchal Panchayat (dropped in the present Act). A report in regard to my field work (undertaken during 1964-65) about the utility of this additional tier as also the composition of the lower panchayat bodies in some selected villages has been incorporated in this book.

In the Urban Section discussion on Bengal Municipalities has been made. A short history of the growth and the development of the municipal Government since the pre-Mutiny period has been attempted. Some broad discussion on the existing Act (B. M. Act, 1932) has also been included. The existing Act is in operation for more than forty years. There have been several amendments during the period. It is observed that no vital change has been made in the structure of municipalities during the post-independence period.

It is admitted that local self-government is more or less a neglected subject. Apart from the public, the Government also is indifferent about the activities of the local bodies. Municipalities do not publish their Annual Administration Reports regularly. Since 1939 no printed Government report about the working of Bengal Municipalities is available.

I am indebted to several persons for their valuable assistance in my work. I am particularly grateful to my teacher Dr. A. K. Ghosal and I convey my sincerest regards and gratitude to him for his guidance and help. I also express thanks and gratitude to Prof. Venkatarangaiya (my examiner),



Prof. Nirmal Chandra Bhattacharya and to Prof. Subimal Kumar Mukherjee for their valuable suggestions in preparation of this work.

I express my thanks to the Librarian and staff of the Secretariat Library, Govt. of West Bengal for granting me all facilities in using the papers and documents of the Library in preparation of my thesis.

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I owe a personal debt to Sri Prafulla Kumar Das for the pains he had undertaken in typing the entire manuscript of this discourse. I am grateful to Sri Prabir Dasgupta for his taking keen interest in regard to publication of my work. In the end I have to admit that without the constant help and inspiration of my wife this work could not be completed.

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## INTRODUCTION

India is a Sovereign Republic. She is also a democracy with a federal system of Government. In the very preamble of India's Constitution as also in the chapter on "Directive Principles" the Constitution makers have clearly stated how a new democratic social order is to be established here. It is evident that compared to the socio-political system of the pre-independence era it indicates a vast and revolutionary change. In the British period, thanks to the imperial rule of our foreign masters, India had to remain not only a "semi-colonial feudal country" but she was also governed by a highly centralised administrative system. As a colonial country India was an exporter of raw materials and importer of manufactured goods. Agriculture was the mainstay of her population.

As Pandit Nehru points out, "They (the British) prevented our industrial growth and thus delayed our political growth and preserved all the out-of-date feudal and other relics they could find in the country. They even froze up our changing and to some extent progressing laws and customs at the stage they found them and made it difficult for us to get out of the shackles ..... The British conception of ruling India was the police conception of the State. Government's Job was to protect the State and to leave the rest to others. Their public finance dealt with military expenditure, police, civil administration, interest on debt. The economic needs of the citizens were not looked after and were sacrificed to the British interests. The cultural and other needs of the people except for a tiny handful were entirely neglected."<sup>1</sup>

Her economic picture did not substantially change even after 20 years of the introduction of the new Constitution. Even in 1969 India Government had to admit, "The Indian economy is still predominantly agricultural; about half of the country's national income is derived from agriculture and allied activities which absorb nearly three-fourths of its working force".<sup>2</sup>

In regard to the distribution of population among rural and urban, the "rural population according to 1961 census constitutes 82 per cent who live in villages and the 18 per cent live in cities and towns." Further the census also reveals that "there are 2700 towns and 567338 inhabited villages in India. Of course, it is also observed that between 1921 and 1961 there has been a slow but steady shift towards urbanisation."<sup>3</sup>

<sup>1</sup> Jawaharlal Nehru—Autobiography. p. 434-435.

<sup>2</sup> India 1969 p. 156.

<sup>3</sup> Ibid. p. 15



It may also be remembered that India's vastness, widespread illiteracy, multi-religious character of her people, vexatious caste and racial questions, as also irritating social customs caused serious impediment to her advancement and progress. Some of these are still big hindrances in the way of her Planning and National Development.

It may be recalled that in such a background the foundation of a "Sovereign Republic" with democratic structure and with the big promise of a new "Social order" was laid. The objects of the "Social order" are worth quoting — "A social order in which justice, social, economic and political shall inform all the institutions of the national life." The task is not only difficult but is also gigantic. As observed by a commentator — "To some democracy is a form of Government; to others it is a way of social life. It is the latter aspect of democracy that is of vital significance for India and if democratic institutions are to have any appeal for the people at large, they must ensure them not only equality of status and of opportunity but also justice, social, economic and political. To construct such a democracy is an uphill task for any Government or Constituent Assembly."<sup>4</sup>

It is evident that replacement of the existing social order by the introduction of a democratic way of life in political, economic and social spheres requires patience, sustained efforts and lastly grim determination on the part of all concerned.

Modern democracies are generally representative democratic governments. They are again ruled by parties. It is the usual practice in a party Government that policy decisions are being made by the hierarchies of the party and they are subsequently sent to the rank and file for formal approval. Of course, it is claimed that in party conventions members get a chance of discussing party matters and recording their opinions on the same. But there too the "coterie rule" predominates and controversial matters are generally shelved. In the circumstances people at the base get rarely a chance in participating in and formulating the policies of the Government, particularly in the national affairs.

"Parties have also destroyed the significance of democratic institutions. A legislature no longer consists of members; it is a conglomeration of parties. In short, representative Government is what the parties make it to be and the character of democratic institutions in particular States is set by the nature of parties functioning within it.

"Political democracy has lost much of its credit by reason of the emergence of parties as dominant features of democratic organisation.

<sup>4</sup> Dr S. C. Dash, "The Constitution of India", (Revised Edition, 1968) p. 504.



The general will of the people remains as illusive as before ; the electorate is instructed and drilled by the parties both by occasional and perennial propaganda to express its opinion in a particular manner.”<sup>5</sup>

In spite of the aforesaid criticisms against the modern democracies, and even remembering the monolithic growth of modern parties and the consequential restricted opportunities open to ordinary citizens for participating in democratic Governments of the present period, it has to be admitted that “democracy”—preferably in the “Parliamentary democratic” form is comparatively the most suitable political system where men may “have the opportunity to be their best selves.” While stating this we are not oblivious of its shortcomings and weaknesses. A hard task involving conscious and continuous efforts has to be undertaken whereby ordinary citizens may effectively participate in and feel the working of democracy. The following remedial measures may be adopted for making democracy more representative, more responsive and safer for the people :—

- (1) Periodic election of the representatives ;
- (2) Candidates should be primarily chosen by the basic electorates. They (electorate) may be allowed to submit a small panel from which parties may finally select their respective candidates ;
- (3) Provision for Referendum and Recall ;
- (4) Existence of effective opposition parties ;
- (5) Local Self-Governing bodies having decision-making powers and having rights to send representatives to the higher authorities ;
- (6) Existence of Free Press.

One of our eminent political thinkers Sri M. N. Roy while criticising proletarian dictatorship as also western democracies posed the basic question how fundamental democratic principle—the greatest good to the greatest number can be realised. He observed, “What is suggested is not a rule of the intellectual elite but such an organisation of society as will give unlimited scope for the unfolding of the creative genius of man, by placing the executive power of the State under the control of free individuals—free from the influence of vested interests and also from the vagaries of the collective ego, so very susceptible to demagogic appeals. Democratic practice should not be confined to periodic elections. Even if elections are by universal suffrage, and the executive is also elected, democracy will remain a mere formality.”

<sup>5</sup> Dr S. C. Dash, “The Constitution of India, (Revised Edition, 1968). pp. 517-518.



The remedy, as Roy suggests, "The people can have a hand in the Government only when a pyramidal structure of the State will be raised on a foundation of organised local democracies. The primary function of these latter will be to make individual citizens fully conscious of their sovereign right and enable them to exercise the right intelligently and conscientiously . . . . . The right of recall and referendum will enable organised local democracies to wield a direct and effective control of the entire State machinery."<sup>6</sup>

We are mainly concerned here in building up "Local Self-Governing institutions" as one of the basic conditions for the success of the new Indian democracy.

It is also admitted that the building up of a sound system of "Local Self-Governments" having adequate political rights and *privileges* of ordinary citizen is not enough. These rights by themselves cannot secure necessary guarantee for uninterrupted exercise of his rights. Thus along with political democracy there is urgent need of economic democracy. Perhaps this basic understanding of the matter and also awareness on their part of the stark reality of the objective situation prevailing then caused the Constitution makers to declare an "economic manifesto" of the State in the nature of Directive Principles. The objective of the State is to secure a social order for the promotion of the welfare of the people. The principles of the Constitution are again worth quoting :—

- (1) Right to an adequate means of livelihood (for all classes of citizens) ;
- (2) Ownership and control of the material resources of the community to be so distributed as best to subserve the common good ;
- (3) To secure that the operation of the economic system does not result in the concentration of wealth ; and
- (4) Also to secure equal pay for equal work for both men and women.

Incidentally it may be observed that during the last twenty years of our Republic, although political democracy could be established to certain extent, the foundation of economic democracy and the implementation of the aforesaid ideals could hardly be realised. There is wide-spread discontentment and frustration amongst all sections of the people in regard to the future of this young democracy. In West Bengal this frustration has been particularly *manifested* among the toiling masses both in the rural and urban areas.

<sup>6</sup> M. N. Roy, 'New Humanism', pp. 59-60.



*Local Government in a Democracy*

It is also felt that the Local Government is the best sphere where there is a possibility of the people's participating in and making their own decisions in matters involving local affairs. "Local Self-Government is the best school of national democracy. It is the Local Government of the village or the municipality that touches most intimately the lives of the people. Self-Government in small areas creates among the citizens a real sense of their corporate interest in public affairs."<sup>7</sup>

Prof. Munro has also made a similar observation—"It is in the arena of local politics that people most easily learn their first lessons in the art of governing themselves. Until you learn to govern, or be governed by your own neighbours it is futile to expect that you can successfully govern people afar off."<sup>8</sup>

*Advantages of Local Self-Government*

It has been more or less admitted that Local Government is the most appropriate institution where ordinary citizens may directly participate both in national and local affairs. By associating themselves with the working of the Government they may thus feel that they are integral part of the State and the Society. Furthermore, so far as local affairs are concerned, when people create something out of their own decision and efforts, they feel it as their own. This may be a primary school or a seed store or a village path or even a small culvert. It is obvious that in such an atmosphere the co-operation and initiative of all the village people is possible. The primary thing is not the "quantum of the object"; it is rather the combined efforts made and the initiative taken by the local people. They may also commit mistakes. But after all it is their own making. It is their own "Swaraj" and people have built it out of their own exertion and self-sacrifice.

It may also be stated that in a vast country like India where dissemination of news is still largely imperfect and where transport facilities are yet difficult and non-existent in distant rural areas, the advantages of a "local self-governing institution" having decision-making power are many. Particular mention may be made of some of these advantages in a self-governing institution. They are :—

- (1) Village assembly like "Gram Sabha" is the only place where direct participation of all village people is possible ;

<sup>7</sup> Dr K.K. Pillay, "History of Local Self-Government in the Madras Presidency," p.1

<sup>8</sup> Munro, "The Governments of Europe" p. 316.



- (2) It is a two-way communication system where free exchange of opinion may take place between the highest and the lowest tiers ;
- (3) Prompt and speedy decision is possible in matters affecting local interest. (It has a special bearing where rural justice is vested in the Panchayat) ;
- (4) The Panchayat, having penetrating and intimate knowledge of the village people, is the more suitable body in drawing up village plans for development and reconstruction purposes ;
- (5) By making decisions locally a self-governing institution like the Panchayat or the municipality saves unnecessary wastage of time, energy and money ;
- (6) It strengthens the foundation and consolidation of democracy by creating new cadre and new leadership ;
- (7) The Panchayat as the leader of the village people can best mobilise all sections of the community in the cause of village defence and security ;
- (8) In an urban local government the aforesaid advantages and opportunities compared to a "village body" are generally restricted. But even there the contact and link between the administrators and the common citizens are more frequent, easy and intimate ;
- (9) A local government either rural or urban is the training ground for building up future leadership in the country. Local leaders can get larger avenues and additional opportunities to develop their talents, creative power and mobility in work in a local government. Intellectuals who generally avoid and feel shy about national politics may be drawn in local government and thus their services may be utilised ;
- (10) By its constant working and through the consequent increasing participation of the village people the Panchayat achieves its great objective i.e. maintaining ultimate faith in democracy.

By stating that India requires an effective system of local self-governing institution it is not suggested that India had no such system either in the immediate past or in the ancient period. Local government has been known in India from time immemorial. It is also well known that the self-governing bodies that existed in the British period were primarily of British make and were mostly created to suit the convenience of our rulers.



*Local Self-Government in Ancient India and in the Early British Period*

The concept of "Local Self-Government" is not a new idea for the Indian people. From time immemorial this was practised in different regions of India. Primarily for fostering and perpetuating a self-contained rural administration and also for the purpose of administrative convenience, we observe the functioning of different types of local institutions since the Vedic period.

"These ancient institutions compared to the self-governing institutions that existed in the British period and even in some respects compared to the institutions now obtaining in India were more widespread, more real and more successful."<sup>9</sup> It may be recalled that in the ancient past because of the absence of good communication system these institutions functioned in a scattered manner but they were self-contained. They enjoyed wider powers. There was minimum state interference. The village institutions could function with the participation of the entire village people. In spite of the existence of caste system the community was more compact and real. People felt that they had certain duties and obligations towards the society. Public utility concerns like schools, tanks, charitable dispensaries, temples, Dharmasalas etc. were constructed and maintained either by individual efforts or by trusts (created by endowments of religious minded people). In the circumstances the dependence on the government was also minimum.

These ancient institutions, particularly indigenous system of rural justice, continued their existence in some form or other till the beginning of the early British period. (We have tried to trace below some of these ancient institutions). It may also be mentioned that some important commentators and renowned writers (their number is undoubtedly small) have challenged the very existence of these institutions. They have raised doubts how in that distant period, when political consciousness was not sufficiently developed, people living in isolated rural areas (communication system was poor and ill developed) could exercise their rights and privileges. On the other hand we cannot ignore the evidences of important books and manuscripts written by well known authors and historical figures like Manu, Kautilya, Sukracharya as also inscriptions, historical relics and accounts maintained by important research workers and emissaries (Indians and other) indicating that India had well-organised local self-Government in the past. We trace below a short account of these institutions in different times of Indian history. It may also be remembered that democracy on the western model is an outgrowth of British rule in India though the

<sup>9</sup> Prof. M. V. Venkatarangaiya—"Local Self-Government in India"—Lecture delivered in the Gokhale Institute of Public Affairs, Bangalore, and quoted from Quarterly Journal of the Local Self-Govt. Institute, Bombay, Oct. 1960.



concept itself was an essential ingredient of the social and religious organisation in ancient India. The Vedas and later historical writings furnish clear evidence of the fact that the people in ancient India were organised into village communities, where all residents assembled together in a village meeting and transacted all affairs of administration.

Dr Majumdar writes—"The Rajan (King) though Lord of the people did not govern without their consent. The business of the tribe was carried out in a popular assembly styled Samiti (Assembly) at which Princes and people were alike present. We have also reference to another body termed Sabha which some regard as a 'Council of Elders'. Others think, it was a Village Assembly or the place of meeting which also served as a centre for social gatherings... The Sabha gave decisions regarding matters of public moment and in later literature, figures prominently in connection with the administration of justice."<sup>10</sup>

It is interesting to note that we find the reference of "Village Assembly" and the "Council of Elders" both in the Maurya and in the Gupta period. Practically from the 4th century A. D. these village councils started functioning as regular bodies in Bihar, Rajputana, Central India, Maharashtra and Karnatak. It is also peculiar that from the Maurya period when powerful empires were organised and the tendency was for strong central governments these village institutions—particularly the system of rural justice through village elders was more or less allowed to remain uninterfered.

#### *Maurya Period*

"During Chandra Gupta's period every village was absolutely free in all matters relating to itself. It had its own Sabha. Representatives of all families in the village, the elders and other experienced people assembled there. The key figure in the village was the village headman known as "Gramik". Though he was an employee of the State, his appointment always depended upon the choice of the village. Under the pratihar rule, the village headman known as the "Gramapati" administered the village with the assistance of the village council composed of village elders. There were also Committees to look after other village affairs like public works committee, committee to look after the excavation of tanks and wells etc. Under the Chalukyas also the lowest unit of administration was the village where the Gram Sabha or the Village Panchayat was supreme."<sup>11</sup>

<sup>10</sup> Dr R. C. Majumdar and others, "An Advanced History of India" p. 30.

<sup>11</sup> Report of the "Study Team on the position of Gram Sabha in Panchayatiraj Movement" p. 8.



The existence of well-organised village self-government has been further confirmed in "Nitisara" (Science of Polity) a famous book written by Shukracharya in the tenth century A.D. Pandit Nehru has referred to this book in his *Discovery of India*.<sup>12</sup> It is observed that this elected village council enjoyed large powers both executive and judicial. Land was distributed by this Panchayat which also collected taxes out of the produces and paid the Government's share on behalf of the village. Over a number of these village councils there was a larger Panchayat or Council to supervise and interfere, if necessary.

It is also interesting that even in such a distant period there was Committee System. These Committees were elected annually and women could serve in them. In case of misbehaviour a member could be removed. A member could be disqualified if he failed to render accounts of public funds. Perhaps in order to prevent nepotism near relatives of members were not appointed in public offices.

### *Chola Period*

Evidence of such rural Government in the South during Chola period (850-1200 A.D.) had also been mentioned elsewhere. The most striking feature of the Chola period was the unusual vigour and efficiency that characterised the functioning of the autonomous rural institutions. A highly developed Committee system (Vasiyams) for the administration of local affairs was evolved and the Sabha of Uttiramerur which revised its constitutional arrangements twice at short intervals in the reign of 'Parantaka I' is only the leading example of a number of similar attempts going on everywhere to evolve improved methods of administration in the light of experience. Justice was administered by regularly constituted royal courts in addition to village courts and caste panchayats.<sup>13</sup>

### *Elphinstone's Report*

Some of the western writers have spoken highly of these indigenous institutions. Men like Lord Metcalfe have described them as "little republics." It may also be recalled that these "village institutions" in spite of foreign aggressions were able to maintain their existence and even continued their activities till the end of the Mughal rule.

From Elphinstone's "Report on the Territories conquered from the the Peshwa" submitted to the Governor-General in October 1819 we get an objective picture of the "village system" that existed in the Deccan

<sup>12</sup> Nehru—"Discovery of India" pp. 244-245.

<sup>13</sup> Nil Kanto Sastri—"History of South India (3rd Ed.)" pp. 204-205.



during the 18th century. "In whatever point of view we examine the Native Government in the Deccan, the first and most important feature is the division into villages or townships. These communities contain in miniature all the materials of State within themselves and are almost sufficient to protect their members, if all other Governments are withdrawn."<sup>14</sup> Speaking of the Panchayat system that then prevailed, the Report observed—"By means of the Panchayat, they were enabled to effect a tolerable dispensation of justice among themselves . . . . I propose, therefore, that the native system should still be preserved, and means taken to remove its abuses and revive its energy. Such a course will be more welcome to the natives than any entire change, and if it should fail entirely it is never too late to introduce the Adalat."<sup>15</sup>

From the Report we get further a description of the "Village System" as it was in the early British period and even prior to that. Each village had a portion of land exclusively set apart for the use of the villagers. The land and the cultivation were under the management of the village and plots were clearly earmarked. There were also traders and artisans who supplied necessary requirements to the village people. There were also certain village officers. The head of each village was the Patil. The Patil was the most important functionary in the village. He was the head of the Police and of the administration of justice. It was the Patil who allotted lands to the cultivators including those who had no landed property. He fixed the rent and collected the revenue on behalf of the Government. He also looked to the improvement of cultivation and prosperity of the village.

#### *Maratha Period*

The Cambridge History of India further confirms the existence of and the part played by the Panchayat in the Maratha period—"Despite its primitive character and its liability to be improperly influenced the Panchayat was a popular institution, and the absence of a decision by a Panchayat in any suit was almost regarded as complete justification for a retrial of the issues. The fact must be admitted that among themselves, within the confines of the self-contained ancestral village, the peasantry did obtain a fair modicum of rude justice from the village Panchayat."<sup>16</sup>

It may also be remembered that these indigenous institutions gradually went into decay side by side with the consolidation of the British Empire in India.

<sup>14</sup> Ramesh Dutta, — "The Economic History of India" Vol. 1. pp. 239-240.

<sup>15</sup> Ibid. p. 243.

<sup>16</sup> Cambridge History of India, Vol. V. p. 399



*Decay of Village Institutions*

It may be a pertinent question why did these hoary institutions decay. Dr Pillay's analysis in the matter deserves mentioning :—“(1) The establishment of a well-organised administration by the British brought even the remotest village under its comprehensive machinery. The provincial Government through its officials controlled the entire region and activities which were formerly carried on by the villagers came to be administered by the agents of Government. (2) Secondly, the establishment of civil and criminal courts, with their jurisdictions extending throughout the country, struck a fatal blow at the most important function of the assemblies. (3) Thirdly, the rapid improvement of communication hastened the transition. (4) The development of western education imperceptibly fostered an individualistic tendency among the educated classes.”<sup>17</sup> But the major blow to the Village communities was the “increasing revenue demands” of the British rulers. Gandhiji very sharply revealed this naked truth—“But the British Government, by its ruthlessly thorough method of revenue collection, almost destroyed these ancient Republics, which could not stand this shock of revenue collection.”<sup>18</sup>

Apart from these there were the urgent economic factors. It has been stated earlier that due to the colonial policy followed by our alien rulers no suitable industries were built up till the middle of the nineteenth century. On the other hand there was slow but steady population growth. Agriculture was gradually overburdened. Village and home industries were either neglected or came into slow extinction in order to help the selfish commercial interest of the rising British industrialists. The self-contained rural economy was thus shattered and a large section of the rural elite was forced to leave the villages and to migrate elsewhere in search of employment. It was a terrible blow to the erstwhile rural community. Rural health and sanitation were neglected. The Zaminders mostly lived in the towns and rarely visited their ancestral homes. They were only anxious about their “annual booty” and did nothing for the improvement of the village life.

In the circumstances village people depended more and more on the governmental machinery. Village life was almost dull, cheerless and a sense of frustration prevailed throughout the atmosphere. In Bengal as has been stated in subsequent chapters large migration of rural population took place from the early part of the present century and as a result there was unusual concentration of population in the industrial towns near about Calcutta—particularly on both sides of the River Hooghly. It is thus evident that the cumulative effect of all these factors led to the virtual collapse of the erstwhile village system.

<sup>17</sup> Dr K. K. Pillay — “History of Local Self-Government in the Madras Presidency.” p. 9

<sup>18</sup> M. K. Gandhi — “Panchayats in Pre-independence Day”, Young India, 28.5.1931.



## CHAPTER — II.

### VILLAGE SELF-GOVERNMENT SYSTEM IN BENGAL, 1870-1919

It may be recalled that the rural administration of Bengal till 1957 was governed by three pre-independence Acts, e.g. 'The Village Chowkidari Act of 1870', 'The Bengal Local Self-Govt. Act of 1885' and 'The Bengal Village Self-Govt. Act of 1919'. In the British period, the villagers of Bengal were acquainted with the idea of Panchayat primarily in 1870 through the Village Chowkidari Act. It may be observed that this 'Panchayat' had no semblance with the ancient Panchayat System that existed in India in different forms\* in the Provinces of India in the pre-British and even in the early period. The 'Chowkidari Act' was purely of British make and its scope was extremely restricted. 'These Panchayats appointed by the District Magistrates, were merely an agency for the assessment and collection of a local tax, which was levied for the support of the village police without having anything to do with the management of affairs of immediate interest to the villagers'.

Excepting the Chowkidari Panchayat there was no other rural institution worth the name which could cater to the needs of the local people. As Dr Nawal Kishore Prasad Verma in his survey on 'Local Govt. and Franchise in Bihar' (Bihar was part of Bengal till 1911) writes— "Coming to the survey of the Local Government in rural areas during the period of municipal organisation in towns before the advent of . . . . . Lord Ripon, the story is still more depressing and confusing, and there was nothing like a local institution worth the name catering to the needs of the people in accordance with their wishes".

He further writes—"Before the creation of any organisation for local services in rural areas there were in existence local funds created and set apart by the Supreme Government for carrying out the activities connected with the ordinary social services like road communication, primary sanitation and elementary education and for meeting unforeseen contingencies like epidemic diseases, famine, flood and the like. These funds raised from the localities were intended primarily to be spent on the same localities.

\* Details mentioned in the early part of this discourse.

<sup>1</sup> Union Board Manual. Vol. I (Govt. of West Bengal, L.S.G. 1954) p. i.



This principle, however, was not always followed and the provincial Government allotted funds according to the necessity of a district".<sup>2</sup>

"The local funds consisting of charitable funds, ferry collections under Regulations VI/1819, tolls on roads under Act VII/1851 and cattle fine fund under Act V/1860 and a Police fund under the Act of 1856, were however, left by the Govt. of India at the disposal of the Provincial Government and for these the provincial Government appointed Advisory Committees, later on amalgamated into District Committees or Branch Committees by Executive orders or Resolutions of the Government".<sup>3</sup>

The first statutory provision for such a committee or branch committee responsible for a compact area was the 'Bengal District Road Cess Act X/1871', and the other Committees working similarly in wider areas were modelled on the District Committees established under the Act of 1871.

It may be further noted that these committees were nothing more than a convenience for the District Magistrate to supply him with information or carry out miscellaneous duties. Moreover, the funds available were so scanty that no proper public services were possible. The Committees were composed mostly of officials nominated by the District Magistrate. In the last 'there was no real self-Government and the non-official members had no real power and the branch committees had partially failed for the reason that the services of intelligent and educated men could not be secured to a larger extent'.<sup>4</sup>

The Taxation Enquiry Commission (1953-54) made a similar observation that there was no comparable development of local self-governing institutions in rural areas upto the year 1871, when Lord Mayo introduced his scheme for the decentralisation of administration. The scheme had a stimulating effect on the development of local self-governing institutions in the rural areas.

#### *Local Taxation prior to Local Self-Government*

It may also be mentioned that prior to the introduction of any rural Government in Bengal attempts were made to set up such local institutions in the urban areas of the Province. The first attempt was the 'Bengal Act of 1842'. But this was an infructuous attempt since the creation

<sup>2</sup> Dr Nawal K. P. Verma—A short history of 'Local Franchise in Bihar' : Quoted from the Quarterly Journal of the Local Self-Govt. Institute, (Bombay), Jan-March, 1965, p. 272

<sup>3</sup> Govt. letter No. 417 dated, 31.8.1863.

<sup>4</sup> Proceedings of the Council of Lt. Governor of Bengal, March 3, 1888, p. 74.



of a municipality (as provided in the Act) was made on a voluntary principle. Owing to the resistance of the local people (where the experiment was first made) the attempt was abandoned. Thereafter two successive Acts were passed—one in 1850 (Act X of 1850) and the other in 1856 (Act XX of 1856) to establish municipal institutions in the Provinces. These were all 'India Acts' and their main purpose was to collect chowkidari or police tax from the urban areas. Improvement of sanitation was also there. But this was a secondary matter. To our foreign masters the health and sanitation of the 'Natives' was not of primary concern. This would be evident when we remember that the problem of the municipalisation of the urban and district towns of India was seriously taken up in the post-mutiny period only after the publication of the 'Army Sanitation Committee Report' in 1863. The report revealed that due to the appalling insanitary conditions prevailing in most of the district and Cantonment towns in different parts of India the health of the army was seriously affected.

There was another important and urgent reason which impelled the British Government to introduce 'Local Government' in this country. This was the chronic deficit of the imperial finance and the consequent demand of the successive Finance Members to transfer the local burdens to the local people. In his financial settlement for the year 1862-63 Mr Liang, the then Finance Member said—'I am as strongly as ever in favour of the principle of local taxation for local purposes. In fact if this great Empire is ever to have the roads, the schools, the local police and other institutions of civilization.....it is simply impossible that the imperial Government can find the money or the management'.<sup>5</sup>

#### *Statutory Rural Government in Bengal : Different Periods*

Leaving aside the question of further development of municipal Government in district and mufassil towns of Bengal let us examine the growth of properly constituted statutory rural bodies in the Province. Historically speaking we may broadly classify the growth of rural self-Government (beginning from the early British period up to our present time) in Bengal into the following five distinct periods. These are :—

1. 1st Period — Early British period to 1882.
2. 2nd Period — 1882 — 1885.
3. 3rd Period — 1885 — 1919.
4. 4th Period — 1919 — 1957.
5. 5th Period — 1957 — present period

<sup>5</sup> Financial Settlement, 1862-63



*First Period*

It may be mentioned that in the first period prior to the passage of the 'Chowkidari Panchayat Act' of 1870 the needs of the local people were mainly supplied from different funds left at the disposal of the Provincial Government. The funds were collected from the proceeds of different taxes levied at successive periods and were managed by committees formed from time to time for specific purposes like education, ferry and roads etc. on the executive orders of the Government. But there was great dissatisfaction and resentment among the people, particularly amongst the Zemindars and the rising intelligentsia against the imposition of some of these taxes and also about their proper utilisation. A glaring example of this discontent was the reaction to 'Road Cess Act of 1871' (Bengal District Road Cess Act X of 1871).

The cess was collected from the rural people for providing sanitation, drinking water, maintenance of roads and culverts and for other amenities of rural life. But in reality a large portion of the fund was utilised for other purposes.

As observed by Sri Bipin Chandra Pal (a stalwart of the Swadeshi movement in Bengal)—“when the Road cess was first introduced in Bengal, it was regarded by the people of the province as a practical violation of the Permanent Settlement obtaining in that part of the country. It was a cess imposed upon land and according to the terms of the Permanent Settlement the Government had given an undertaking that no further tax would be imposed upon the land.”<sup>6</sup> Sri Pal further observed that the Government justified the imposition of the cess on the ground that the proceeds of the same would be utilised for the betterment of village life. In reality, as Sri Pal revealed, the British Government betrayed the cause of the people. He said—“They now refused to grant any money out of this 'Road Cess Fund' for the removal of water scarcity in the rural areas of Bengal . . . . . Here is a distinct misappropriation of a Public Fund”.<sup>7</sup>

*Lord Mayo's Resolution of 1870*

It is also a strange coincidence that along with the passage of the 'Chowkidari Panchayat Act (1870)' there was the historic Resolution of Lord Mayo announced in 1870. Lord Mayo was the Governor-General of India between 1869-1872. It may further be recalled that the expression 'Local Self-Government' was for the first time employed in the Mayo's Resolution and it stressed the need for promoting municipal institutions.

<sup>6</sup> Bipin Chandra Pal—'Swadeshi and Samaj', p. 184.

<sup>7</sup> Ibid. p. 185.



The Resolution also urged the imperative need for decentralisation and the increase of powers and responsibilities of the Provincial Governments in respect of public expenditure.

The Resolution further stated—"The operation of this Resolution in its full meaning and integrity, will afford opportunities for the development of self-government, for strengthening municipal institutions and for the association of Natives and Europeans to a greater extent than here-to-fore in the administration of affairs".<sup>8</sup>

Although Mayo's Resolution on 'Financial Decentralisation' opened new avenues to Provincial Governments for undertaking Local Self-Government work the progress in the succeeding years was not satisfactory.

There appeared a remarkable inequality among the various provinces in the organisation and working of local institutions. Even in the Bombay Presidency, where the greatest advance was made, it left much to be desired.

### *Bengal Municipal Bill of 1872*

In Bengal the progress of Local Self-Government work suffered considerably due to the resistance made primarily by the Bengal Zemindars as also by the newly awakened intelligentsia against Campbell's Municipal Bill of 1872. \* The Bill even though passed by the Provincial legislature was vetoed by the then Governor-General Lord Northbrooke. Incidentally it may be mentioned that in spite of its being primarily a 'municipal Bill', it covered the interest of rural areas also and provided a class of municipalities termed as Panchayats in the Bill. It was further proposed in the Bill that village funds in the third class municipalities should be applicable to the payment of Chowkidars, to the maintenance of Pathshalas or rural schools and to the supply of drinking water. The Bill further provided elected executive both in the cases of municipalities and Panchayats (third class municipalities).

It is observed that after this infructuous attempt no appreciable progress in rural Government work was made till the passage of the 'Bengal Local Self-Government Act of 1885'. Of course, in the case of the Municipalities, a consolidated and amended Act termed as 'Bengal Municipal Act of 1876' was passed.

<sup>8</sup> Resolution of Government of India, Nos. 33-34 of 14th Dec. 1870 and quoted in the 'Quarterly Journal of the Local Self-Government Institute', Bombay, April, 1961, p. 506.

\* Details stated in the municipal portion of this discourse.



*Second Period : 1882-1885*

The next, probably the most important, land-mark in the development of Local Self-Government in rural areas is associated with the administration of Lord Ripon ; his reforms were for the avowed purpose of real self-Government. The Government of India issued in May, 1882, a Resolution in which they indicated the lines on which the future development of rural local boards should take place.

In the Resolution a series of recommendations were made which mainly aimed at (1) increasing the non-official element ; (2) substitution of non-official as Chairman ; (3) control from without rather than from within ; (4) the devolution of finances and power.

In the first instance the Resolution proposed that local boards were to be developed not only in towns and cities but throughout the country ; and they were to be charged with definite duties and entrusted with definite funds.

It may also be mentioned that municipal Governments in the mufasil towns of Bengal outside the Presidency had already started functioning first under the 1856 Act (1842 Act and 1850 Act being infructuous) and thereafter in a regular manner under the 'District Municipal Improvement Act' of 1864.

*Third period : 1885-1919*

Lord Ripon's Resolution on 'Local Self-Government.' paved the way for creating effective local self-governing bodies throughout India. His Resolution is sometimes called the 'Magna-Charta' of Local Self-Government in this country. People hailed this as a genuine gesture of goodwill on the part of a foreign Government which so long stoutly refused transfer of any power to the Natives. It may also be recalled that this was the period of renaissance and the birth of a new age vigorously urging for effective power to the Indian people.

In Bengal there was continuous demand for introduction of local self-government in the rural and urban areas of the province. Sisir Kumar Ghosh and others were pioneer in the matter.\*

\* Dr B. B. Mazumdar in his 'History of Indian Social and Political Ideas' (Rammohan to Dayananda) p. 135, while assessing the political thought of Sisir Kumar Ghosh remarked,—“There is a general impression amongst students of history that Lord Ripon was the first man to introduce local self-government 'as a measure of political and popular education'. But as a matter of fact, Sisir Kumar used this very argument for the introduction of local self-government, eight years before Lord Ripon did.”



It was in this background that the drafting of the Bengal Local Self-Government Act III of 1885 was taken up. At the instance of Lord Mayo the scheme of the new Act was drawn up by the Lt. Governor Sir Ashley Eden. The authorities had three-fold objects in view in sponsoring this Act :—

- (1) To relieve the provincial authorities of some portion of their administrative work ;
- (2) To reconcile the public to the burden of local taxation ;
- (3) To confer to the people some additional powers of control over expenditure in matters of local importance.

### *Broad Features of the Act*

An examination of this premier local self-government Act of Bengal is required in order to understand the nature and content of the 'self-government' that was introduced in the rural areas of Bengal for the first time in the Indo-British history. The Bengal Local Self-Govt. Act III (B. C.) of 1885 comprised altogether 149 sections and 4 schedules having 4 parts in it. In Part I the constitution and framework of the new local authorities like District Boards, Local Boards and the Union Committees were provided. Part II dealt with their financial provisions and the respective funds. Part III stated the duties and powers of the local authorities. In Part IV governmental control, bye-laws and miscellaneous provisions were included.

### *Three Authorities*

The Act set up three classes of local authorities—the District Board, the Local Board and the Union Committee. The District Board had jurisdiction over a whole district. The Local Board was meant for each sub-division and the Union Committees for selected areas within the sub-division.

The main functions of a *District Board* as per provision in the Act were the following :

- (1) Maintenance and improvement of roads and other communications ;
- (2) Primary education ;
- (3) Upkeep of medical institutions ;
- (4) Vaccination and sanitation ;



- (5) Veterinary work ;
- (6) Construction and maintenance of rest houses ;
- (7) Administration of pounds and ferries ;
- (8) Relief of suffering in time of famine and serious distress.

*Functions of a Local Board :—*

- (1) Care and maintenance of village roads ;
- (2) Management of pounds ;
- (3) Charge of ferries within the Local Boards.

*Functions of a Union Committee :—*

- (1) Management and control over pounds ;
- (2) Control over village roads ;
- (3) Sanitation ;
- (4) Water supply.

*Composition of the Boards*

It may be observed that in spite of Ripon's Declaration that the control should be from without and not from within and that 'non-officials should be substituted as Chairmen', the local officials did not agree to transfer effective authority and control to the local people. As observed by Sir Surendra Nath—"There was no denying the fact that its (Local Self-Government) growth was dwarfed by official neglect and apathy. It really meant the withdrawal of power from the bureaucracy ; and bureaucracy all over the world is so enamoured of power that it resents its curtailment. As Lord Morley pointed out in one of his despatches that as there was little of real power vested in the popular members of the local bodies, they felt little or no interest in their work. In March, 1914, I moved a Resolution recommending that the Presidents of District and Local Boards be elected and that a Local Government Board should be created in each province. The Resolution was opposed by Government and was lost. But I have the satisfaction of feeling that official opinion has within the last few years steadily advanced towards the acceptance of my views. The Government of India, by their Resolution of May, 1918, urged Local



Governments to arrange for the election of the Chairmen for the rural boards wherever possible".<sup>9</sup>

The Act provided that the District Board should consist of not less than nine members (the exact number for each district should be determined by the Provincial Government). The members may be both elected and appointed. The Act further provided that if there be no local Board in the District, the whole of the District Board shall consist of appointed members. Again the elected members of the District Board were indirectly elected by the Local Board.<sup>10</sup>

### *Chairman and Vice-Chairman*

There was provision for a Chairman and a Vice-Chairman for each District Board. But the Chairmen of the District Boards were mostly appointed officials,<sup>11</sup> District Magistrates in particular. This practice of having an official Chairman continued till 1915 and as an experimental measure the District Board of Murshidabad was allowed for the first time to have an 'elected Chairman' in 1916. In 1917 this experiment was extended to four other districts (the total number was five including the district of Murshidabad). Since 1921, all the Boards (excepting Darjeeling) had elected Chairmen. The Vice-Chairmen, of course were elected by the members. But even there the officials could be elected as Vice-Chairmen. The term of all the members was four years.

### *Local Board*

Under the Act of 1885 the Lt. Governor could establish a Local Board for any sub-division or a combination of sub-divisions with the duty of setting up such boards for the districts as mentioned in Schedule I of the Act. The total number of members of such a Board was not to be less than six and two-thirds of the total were elected on certain property qualifications and the rest were nominated by the government."<sup>12</sup> A Local Board could elect a Chairman and a Vice-Chairman out of its members within a prescribed period, and if it failed to do so, Government could appoint them and their term of office was one year from the date of their appointment.

### *Union Committee*

The Union Committee, the lowest tier of this first Local Self-Government Act was relegated to a most insignificant status in the whole structure.

<sup>9</sup> Sir Surendra Nath Banerjee—'A Nation in Making', p. 275.

<sup>10</sup> Sec. 7 of the Bengal Local Self-Government Act, 1885.

<sup>11</sup> Sec. 22 and 23 of the Bengal Local Self-Government Act, 1885.

<sup>12</sup> Dr. Nawal Kishore Prasad Verma, 'Local Franchise in Bihar,' p 9.



Its functioning was not commensurate with the introduction of the Act. With regard to creation of the 'Union Committees' it was provided that the Government may, by order in writing constitute any village or group of villages into a Union. The specific number of a Union committee was also left to the discretion of the Local Government. But the number in no case shall be less than five and not more than nine. The members of the Union Committee were elected by a restricted electorate of the village or villages constituted under it and their term of office was two years.

For election to Union Committees, male persons, both British subjects and aliens, entitled to vote, must have paid yearly one rupee or more as road-cess or license tax in respect of trade or industry in the area, or possess an annual income of Rs. 240/- from any source or being a member of a joint Hindu Family, was a graduate or licentiate or held a certificate as pleader or Mokhtar; and a candidate must have paid not less than Rs. 5/- for road-cess or, license tax of not less than Rs. 20/- or, possessed clear annual income of Rs. 1000/- from any source, or being a member of a joint undivided family was a graduate or licentiate or legal practitioner.

### *Observations*

It was observed that the 'self-government' that was introduced for the first time in the rural areas of the Province covering from the district to the village suffered from certain basic shortcomings. The weaknesses were inherent in the very constitution of the Act and were also noticed in the subsequent functioning of the Act. The main object and purposes of the Act were to introduce the system of Local Self-Government in Bengal. The experiment started from the district and the village was made completely dependent and subservient to the district authorities. The District Administrative Report in 1912-13 rightly observed—"We think it was a mistake to make the District Board the administrative unit of local Self-Government and to leave the smaller bodies dependent on its charity and with no clearly defined position in the whole scheme. This was to begin Local Self-Government at the wrong end for the system ought to start from the bottom and work up as was originally intended in 1883 rather from the top and work down".<sup>13</sup>

But this is not all. Although power was concentrated in the District Boards at the cost of Local Boards or Village Unions—even there too the authority in most cases was exercised by the officials and appointed members. It is also interesting to note that compared to the municipal boards that were created under the Bengal Municipal Act, 1884, the

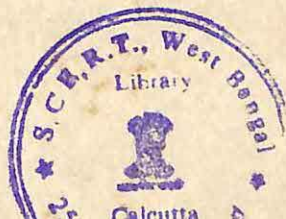
<sup>13</sup>. District Administrative Report (1912-13), p. 93.

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Rural Boards enjoyed lesser power and authority. In the municipalities the system of elected Chairmen was introduced (excepting a selected number of municipalities) in the B. M. Act, 1884. Further the number of elected members was larger in a municipality than in a district board. The B. M. Act further provided "that the salaried staff belonging to the Govt. offices and functioning as 'appointed commissioners' shall not exceed a larger portion than one-fourth to the total number of commissioners elected and appointed in the municipality".<sup>14</sup> This provision was absent in the 'Local Self-Govt. Act 1885'. It is evident that the municipal boards enjoyed higher status and authority compared to their counterparts in the rural areas.

The explanations for this incongruity may be :—

- (1) Urban people were more vocal and conscious than the rural people ; Political pressure was more organised in towns than in villages ;
- (2) Europeans' interests were concentrated more in the towns than in the rural areas ;
- (3) The rising intelligentsia had more representatives in the urban boards compared to the rural boards ;
- (4) People living in the villages were apathetic and unmindful of their rights and privileges.

Incidentally it may be observed that this type of slow progress in the development of 'rural self-governing bodies' was also noticed more or less in all parts of India at this stage.

#### *Amendment of 1885 Act (Act V of 1908)*

In 1908, just on the eve of the 'Decentralisation Commission's Report' an important amendment was made in the Act of 1885 (Amending Act of 1908). The important changes introduced in the 1908 Act were :—

- (1) The scope and activities of the District Board were extended ;
- (2) Enlargement of the powers of the Union Committees ;
- (3) Diversion of Road Cess proceeds to purposes other than mentioned in Sec. 109 of the Cess Act was prohibited ;
- (4) The Commissioners of the Divisions were authorised to deal with matters in regard to (a) approval of Chairman election in Local Boards ;

<sup>14</sup> Sec. 14 of the Bengal Municipal Act, 1884.



(b) sanctioning of adoption of various model rules and bye-laws already framed by Government ; (c) giving approval in respect of appointment, resignation and removal of members ;

(5) District Boards were given power to levy tolls on bridges.

Particular mention may be made that in the amended Act the Union Committees were placed directly under the charge of the District Boards. Further, additional powers were given to them in matters of the improvement of water supply, drainage, regulation of buildings and of conservancy and prevention of public nuisances within their jurisdiction. They were also authorised to impose a tax to meet the cost of improvements effected by them.”<sup>15</sup>

It has been already indicated that the main object of the ‘Bengal Local Self-Government Act of 1885’ was partly frustrated since it could not create an effective organisation in the villages. The mode of establishment of these ‘Union Committees’ was unsatisfactory, irregular and halting. By 1908 only 147 Unions were created. Upto 1898 there was no Union Committee in Bihar (Bihar was part of Bengal upto 1911). Owing to their restricted scope and activities people took very little interest in them.

#### *Decentralisation Commission—1908*

It may be easily understood that the amendment just mentioned cannot be treated as a routine process of reforms on the part of the authorities. The political situation in the country was highly explosive. Curzon’s partition of Bengal created an unprecedented ‘Swadeshi movement’ in the country. Further, the cautious and anti-people policy followed by successive Governments vitiated the ‘liberal atmosphere’ sponsored by Lord Ripon. Curzon’s policy of centralization and officialisation of administration precipitated a grave danger and was called a ‘great mischief’ by Viscount Morley, the then Secretary of State for India. It was felt that ways and means had to be suggested how Central Government might be relieved of some of its powers and duties and the same may be delegated to the local bodies. In these circumstances the ‘Decentralisation Commission’ was appointed in December 1907 and its report was published in 1908. It is quite possible that the impact of the contemporary political situation and consideration of unsatisfactory progress of the rural government impelled the then Bengal Government to introduce the afore-said reforms in the Act.

It may be further recalled that many eminent personalities and national leaders and social reformers made submissions before the ‘Royal

<sup>15</sup> District Board Manual, Govt. of West Bengal (Revised upto 1951). pp. vii-viii.



Commission'. Sri Gopal Krishna Gokhale's observations before the Commission deserve special mentioning. He stated—"The spread of education, the influence of new ideas and the steady growing power of the vernacular press make a return to benevolent autocracy of the Collector of old times impossible. The only remedy lies in carrying a substantial measure of decentralisation down to villages and in building up local self-Government from there. It will not to be deterred by the difficulties of the task or by the possibilities of initial failures. Village Panchayats must be created. Local and municipal boards must be made really popular bodies and large resources than they command at present made available to them".<sup>16</sup>

It may also be mentioned that the Report of the Decentralisation Commission recommended a substantial liberalisation of the Government's policy in this behalf. But implementation of the new policy was done at a later period—i.e., after the First World War. Incidentally some of the major recommendations of the Commission, particularly those relating to rural bodies may be stated below :—

(1) "A village should be made the basic unit of local self-government structure. The foundation of any stable edifice which shall associate the people with the administration must be a village as being an area of much greater antiquity and one in which people are known to one another and have interests which converge on well-recognised objects.

(2) The establishment of sub-district boards ( of smaller size than a district) with independent resources and clear cut spheres of duty was emphasised. These boards made comparative success in Madras and Assam.

(3) The main object of the method of election should be to secure an effective representation of the various classes in each town and the selection of fit representatives.

(4) The outside control over local bodies should take more the shape of advice and encouragement than dictation and forbidding".<sup>17</sup>

#### *Montagu-Chelmsford Reforms :*

The recommendations of the Decentralisation Commission were reviewed by the Hardinge Government as late as 1915 and the main

<sup>16</sup> 'Speeches of Gopal Krishna Gokhale' Madras, 1916. p. 1213.

<sup>17</sup> 'Decentralisation Commission Report'. Quoted by Ramayan Prasad in Quarterly Journal of the Local Self-Govt. Institute, (Bombay), April, 1961 pp. 514-515.



proposals were accepted. A policy statement was issued by the Government on 28th April, 1915, but no immediate reform was made in the structure of the Local Government. After the cessation of hostilities (First World War) came the famous August declaration of 1917 that the British policy was 'gradual development of self-governing institutions with a view to progressive realisation of responsible Government in India as an integral part of the British Empire'. Following this the Government of India issued on May, 1918, a new Resolution indicating the nature of Reforms that would be introduced mainly in the domain of Local Self-Government. The broad outlines of this new policy was :—

- (1) Substantial elective majority both in municipalities and rural boards ;
- (2) Enlargement of franchise ;
- (3) Provision of elected Chairman ;
- (4) Liberal official control in regard to finance and taxation ;
- (5) Retention of supersession power in cases of grave neglect of duty and abuse of power ;
- (6) Establishment of Village Panchayats as recommended by the Decentralisation Commission.

Several amendments were made in the Local Self-Government Act of 1885 after 1919. These were :

- A. (1) *Bengal Act XXIV of 1932 and Act III of 1933*
- (a) Provision of an oath of allegiance to the Crown for all members of the District and Local Boards.
  - (b) Provision of a second Vice-Chairman and an Executive Officer.
  - (c) Creation of a statutory Health Committee for the District Board (Sec. 91).
  - (d) Extension of power of the District Board in regard to contributions to schools and libraries.
  - (e) Licensing power was given to the District Boards in regard to private hats, markets, fairs and melas.
  - (f) Representation of minority community by providing reserved seats in the District and Local Boards (Act III of 1933).



- (g) Creation of additional power to the District Board for providing grants in the matter of improvement of agriculture.

(B) *Bengal Act XIV of 1936*

- (a) Term of office of the members of a District or a Local Board was extended from 4 to 5 years.
- (b) Power was given to Provincial Government to abolish Local Boards.

(C) *West Bengal Act IX of 1947*

- (a) Nomination system in the District Boards was abolished.
- (b) Oath of allegiance to the Constitution of India was substituted in place of the 'Crown'.

(D) *West Bengal Act VII of 1949 and the West Bengal Act XXXII of 1950*

- (a) Qualification of voters of District Boards where no local Boards existed was defined.
- (b) Women were allowed to vote and stand as candidates.

We now proceed to the next stage i.e. the introduction of the 'Bengal Village Self-government Act, 1919'.



## CHAPTER — III

### The Bengal Village Self-Government Act, 1919

It has been already stated that the 'Union Committees' failed to create necessary climate for building up an effective system of 'Rural Self-Governing institutions in Bengal'. There was also an insistent demand for the introduction of such a system. The Reforms of 1919 hastened the process. The Bengal Local Self-Government Act, 1885 was once again partly amended and the part relating to the Union Committees was abolished. There was also extension of franchise. In its place the 'Bengal Village Self-Government Act, 1919' was introduced. In the 'Statement of Objects and Reasons' published in the Calcutta Gazette on 10.4.1918 the back-ground of the Act as also the main object and purpose of the new village self-government were stated. An extract of the 'Statement' deserves mention ;

"The District Administrative Committee appointed by the Government of Bengal in 1913 recommended a re-organisation of the system of village self-government. They pointed out that the Union Committee established under the Local Government Act of 1885 had largely failed to secure an effective system of rural self-government, in as much as under the Act the District Board was the administrative unit and the Union Committee was merely a subordinate body exercising restricted powers and dependent mainly on the District Boards for funds. They were further of opinion that the scope of the functions of 'Chowkidari' Panchayats was too little related to the needs of the villages, and they came to the conclusion that their extended usefulness and improvement were most likely to be secured by amalgamating their functions with those of the Union Committees. They proposed that every district should be mapped out into village union administered by Union Panchayat, which should deal not only with the village police, but also with village roads, water supply and sanitation and which should also exercise judicial functions, both civil and criminal. They further proposed that the Unions should be grouped into circles and that for each circle a 'Circle Board' should be constituted, which should represent the Unions within the circle and supervise the working of the Union Committee. The Circle Boards should in their opinion, replace the existing Local Boards, the continuance of which would be incompatible with a general extension of Union Committees".<sup>1</sup>

<sup>1</sup> Calcutta Gazette, 10th April, 1918, p. 117.



*Main features of the Act :*

To provide for a system of village self-government on these lines the 'Bengal Village Self-Government Act V of 1919' was enacted. The Act amalgamated the functions of Chowkidari Panchayats with those of 'Union committees' by creating Union Boards, vested with the powers and duties necessary for catering to the collective needs of the villages and entrusted with powers of self-taxation necessary for the purpose. Before discussing the Act in details we may notice some of the main features of the Act. These are :—

- (1) The Act was extended to all the districts of the State excepting the town of Calcutta and any areas which may come under purview of the B. M. Act, 1932 or Cantonment area.
- (2) The electors in the Act were adults having a place of residence within the union and paying at least one rupee as cess or one rupee as union rate or possessing the prescribed minimum educational qualification.
- (3) Union Boards were authorised to exercise general control over Dafadars and Chowkidars although the appointing authority of such staff was the District Magistrate.
- (4) Provision of Union Benches and courts were made in the Act. These courts were empowered to administer simple civil and criminal cases.
- (5) The Boards were empowered to perform the following functions and duties :—(a) to provide for the sanitation and conservancy of the villages, (b) to undertake administration of pounds and ferries, if necessary, (c) to undertake such work as may be entrusted to them by the District or Local Board, (d) to register births and deaths, (e) to establish primary schools or dispensaries, (f) to provide water supply, new roads and bridges and may also adopt building regulations etc.

The Bengal Village Self-Government Act, 1919 consisted of 103 sections having 3 distinct Parts in it. Part I dealt with the formation of Union Boards, their powers and functions, Union funds, Dafadars and Chowkidars and other relevant matters. Part II dealt with Union Benches and Union courts and other related matters. Part III contained miscellaneous matters and schedules.



*Jurisdiction of the Act :*

The Act was extended to the whole of West Bengal except the town of Calcutta and any areas which may come under the purview of the B. M. Act, 1932. The Act also did not cover any cantonment area.

*Union Board :*

The Act under section 5 empowered the State Government to constitute Unions out of the District and Local Boards after ascertaining their views in the matter. Similarly the State Government was also empowered to establish a Union Board for every such union and could also determine the number of members of the Board.<sup>2</sup> It was also provided that the number of members should not be less than six and not more than nine. Government could also appoint one-third of the total number of members of the Board in spite of the election provision. Members were elected as per provision of the Rules.

*Qualifications of voters and members of the Union Board :*

The following were the qualifications of a voter :—

- (1) Every male\* person of 21 years, and having a place of residence within the union and had
- (2) paid not less than one rupee\*\* as 'cess' during the preceeding year of the election or
- (3) paid not less than one rupee\*\* as union rate in the preceeding year or was
- (4) a member of a joint undivided family and paid a sum of not less than one rupee as cess.<sup>3</sup> or
- (5) who possessed educational qualification as per provisions in the Act.

A person who was entitled to vote at an election and who was a resident of the Union was also competent to stand as a candidate.

*Provision of elected President and Vice-President :*

The members of the Union Board could elect from among themselves a President and a Vice-President. The President should preside over the meetings of the Board.<sup>4</sup>

The Act further provided that the members might grant 'leave of absence' not exceeding 3 months to their President and Vice-President as the case might be.

<sup>2</sup> Sec 6 of the Bengal Village Self-Government Act, 1919.

\* The word 'male' in Sec. 7 (1) was omitted by Sec. 2 of the Bengal Village Self-Government (West Bengal Amendment) Act, 1950.

<sup>3</sup> Sec. 7 of the Bengal Act V. of 1919.

<sup>4</sup> Sec. 8 & 9 of the Bengal Village Self-Govt. Act, 1919.

\*\* In Sec 3 (1), 3 (2) and (3) of the Bengal Village Self-Govt. (Amendment) Act, 1935 the words 'eight annas' were substituted for the words 'one rupee'



Normally the term of office of a Union Board should be four years from the date on which the District Magistrate should declare the Board to be duly constituted. In case of the President or the Vice-President the term of office should be residue of the period when he was elected to the said post.<sup>5</sup> The outgoing President should continue till a new President was elected or appointed.

*Removal of the President of a Union Board :*

The District Board may remove a President of a Union Board on the recommendation of two-thirds of the total number of the members of the Board on any of the following grounds :—

- (a) If he is convicted of any non-bailable offence; or,
- (b) If he refuses to act or is incapable of acting or he is a declared insolvent; or,
- (c) If he is guilty of misconduct or has persistently neglected his duties\*

In case of the Vice-President the Union Board itself is entitled to remove him by a recommendation of two-thirds of the total members of the Board on any of the grounds stated above.<sup>6</sup>

*Limitation of law courts in election matters :*

The Act prohibited the interference of a Law Court in election matters of the Board. However, election disputes may be referred to the District Magistrate. He might decide the matter after giving due notice to the parties and taking such evidence as might be produced.

The order of the District Magistrate might be revised by the Divisional Commissioner. The decision of the Commissioner should be final and could not be questioned in any court.<sup>7</sup>

*Powers and Duties of the Union Board :*

The Union Board shall perform the following functions, namely :—

- “(i) Exercise general control over the Dafadars and Chowkidars ;
- (ii) Provide sanitation and conservancy (as far as possible) and prevention of public nuisances ;

<sup>5</sup> Sec. 11 and 14 of the of the Bengal Village Self-Govt. Act, 1919.

\* Under Section 56 of the Act the Divisional Commissioner could remove the President of a Union Board on grounds of specific charges.

<sup>6</sup> Ibid. . . . Sec. 16 (1) and (2) of the Act.

<sup>7</sup> Ibid. . . . Sec 17A and 17B of the Bengal Village Self-Government (Amendment Act, 1935.)



- (iii) Arrange sanitation and conservancy for fairs and melas held within the union ;
- (iv) Control over drains and other conservancy works ;
- (v) Execute works that are necessary for preservation of public health and improvement of sanitation, conservancy or drainage ;
- (vi) Supply local information to the District Magistrate or District or Local Board as required by the said authority ;
- (vii) Provide for registration of births and deaths within the Union if required by the District Magistrate ;
- (viii) Perform such functions related to Cattle-tresspass Act, 1871 as may be transferred to it ;
- (ix) Serve judicial processes through the Dafadar or Chowkidar under provision of statutory rules ;
- (x) May undertake and carry out measures either by itself or by uniting with other Boards any other work to promote health, comfort or convenience ;<sup>8</sup>
- (xi) Undertake improvement and development work of cottage industries ;<sup>9</sup>
- (xii) Perform all such other acts as may be necessary for this Act.

Apart from the said powers and duties it could also perform the followings :—

- (a) Control of erection of buildings under specific rules.
- (b) Provision of water supply for public and private purposes.
- (c) Maintenance and repair of roads, bridges etc. under the control of the union board.
- (d) Establishment, maintenance, repair, providing grants and management of primary schools under its charge.
- (e) Establishment, maintenance and management of dispensaries under specific rules.

<sup>8</sup> Sec. 26 of the Bengal Village Self-Govt. Act, 1919.

<sup>9</sup> (New clauses inserted by Sec 10 of the Bengal Village Self-Govt. (Amendment) Act, 1935 (Ben. Act VIII of 1935).



- (f) Provide for the lighting of any road or public place within the union.
- (g) Management of an institution or extension of any work vested in it by the superior authorities.<sup>10</sup>

*Joint Committees :*

A Union Board with the previous sanction of the district board could constitute a Joint Committee by joining with any other Board or Boards within the district for conducting a purpose in which they were jointly interested and might delegate such powers to the committee as required.

*Observations :*

It may be mentioned that compared with the powers and functions of Union Committees as provided in the 'The Bengal Local Self-Government Act of 1885' the powers and functions of the Union Boards were sufficiently extended. Noticeable improvements were in regard to control over village watch and wards, village sanitation (in a more elaborate way) and in the matter of Primary Education. In the old Act the Union Committees had no hand in the matter of village defence. This was done through the Village Chowkidari Act of 1870. In the '1919 Village Self-Government Act' the powers and scope of the Union Boards in regard to village sanitation, cleaning of the union areas and framing of building rules had been further extended and Boards were granted comparable responsibility and freedom in initiating these measures. Unlike the previous Village Unions they were not mere agents of the District or Local Board or any other superior agency in all these local affairs.

*Taxation and Finance :*

Chapter V of the Act (Sections 37 to 46) dealt with taxation, finance and fund of the Union Board. Under the provisions of the Act the Union Board could impose yearly a union rate on the owners or occupiers of buildings within the union. It was also provided that the amount assessed upon any person should not be more than eighty-four rupees in any one year. It was also provided that a person who could not pay half an anna a month in the opinion of the Union Board due to his poverty could be exempted from payment of any rate under the Act.<sup>11</sup> It was also provided that the salaries and cost of equipment of Dafadars and Chowkidars and the salaries of the establishment of the Union Board should be the first charge upon the Union fund.

<sup>10</sup> Section 30, 31 and 32 and 32(1) of the Bengal Act V of 1919.

<sup>11</sup> Ibid... Sec. 38 (2) (of the Act).



*Government control and supervision :*

Sections 50 to 59 (chapter VI) dealt with provisions in regard to Government control and supervision over the Union Boards. In matter of supervision, the Act empowered the Divisional Commissioner, the District Magistrate, the Chairman of the District and Local Board or any other person authorised by them to have access to any books or records of the Union Board and to inspect any immovable property or enter any institution controlled by a Union Board. The Act also empowered the above authorities to see that the proceedings of the Union Boards were in conformity with law. But the Divisional Commissioner was only authorised to annul any proceeding which he considered to be not in conformity with law or rule.

In regard to Government control, the Act authorised the Commissioner to remove the President of a Union Board from his office (both as President and as member) or to supersede the Board for a specific period on the following grounds :—(i) incompetency in performing duties, or (ii) persistently making defaults in performing duties, or (iii) exceeding or abusing its powers. It was, of course, provided that the Commissioner would remove the President of a Union Board or supersede the Board after considering the views of the District Magistrate and the District Board.<sup>11</sup>

It was further provided that the District Magistrate or the District Board could suspend execution of any order or resolution of any Union Board or any act which was about to be done by such Union Board on any of the following grounds :—

- (1) The execution of the resolution or order or the proposed action would likely to cause injury ;
- (2) or cause annoyance to the public or to any class or body of persons ;
- (3) or to lead to a breach of the peace.

It was also imperative on the part of the District Magistrate or the District Board as the case might be to communicate forthwith a copy of the order in this behalf with any explanation from the Union Board to the Commissioner. Under the Act the Commissioner was authorised to confirm, modify or rescind such order.

*Review on the District and Local Boards :*

It may be further said that upto 1919 the progress of 'rural self-government' under the Local Self-Government Act, 1885 did not proceed

<sup>12</sup> Sec. 56 of the Bengal Village Self-Government Act, 1919.

\* Observations and comments of the Author on 'Government control and supervision' have been incorporated in chapter IX.



much beyond the District Board stage. The growth of 'Local Boards' was extremely unhappy and practically its operation was abandoned after 1936. The Union Committees as has been already indicated had a slow and defective growth since these were neither given any real power nor any adequate fund (it had no power for self-taxation) to perform their limited duties and functions. It is in this context that the role and contributions of the District Boards have to be judged and appreciated. It is obvious that rural politics down to the village level was completely dominated by the District Boards during all these years. The office of the Chairman (after the introduction of the elective system) and members of the Board were generally occupied by rich and influential men of the district. The office of the Chairman was a coveted post. Prior to the abolition of the Zemindary system (1954) the Chairmen of the District Boards of Bengal, primarily belonged to the Zeminder families. Businessmen and influential men of the Bar had also their shares.

Owing to the absence of proper Committee system (there were provision for three types of Committees only—(a) Finance Committee, (b) Education Committee and (c) Public Health Committee<sup>13</sup> and they had very limited powers) the power was largely concentrated in the Chairman and thereafter in the Board.

In regard to their contributions it may be said that provision of drinking water, establishment and maintenance of charitable dispensaries, construction and maintenance of roads and provision of primary education (through School Boards after 1930) were mainly made by these District Boards. But compared to the needs and requirements of the village people the services and amenities rendered were inadequate and far from satisfactory. Some idea of their contributions might be observed from the following report. The official Resolution in regard to working of the District boards of 1922-23 states :—"The 26 (twenty six) District Boards of the Province are primarily responsible for the health and convenience of a population of more than 42 million in an area of 70,000 square miles. Their revenue in 1922-23 was a little more than 115 lakhs which allows an expenditure of 4 (four) annas 1 (one) pie per head. With this paltry sum it is obviously impossible to provide every facility for water supply, drainage, improved communications, education, sanitation and medical relief etc. for which people in the urban areas pay nearly fifteen times as much".<sup>14</sup>

<sup>13</sup> The Local Self-Government Act, 1885. Sec. 55, 65B and 91.

<sup>14</sup> Resolution reviewing the Reports on the working of District Boards in Bengal during 1922-23. p. 5.



The main causes of failure on the part of the District Boards in performing their duties and functions may be cited as follows :—

- (1) Inadequacy of funds ;
- (2) Irregular functioning of the boards ;
- (3) Absence of co-operative and self-sacrificing spirit amongst the members ;
- (4) Lack of supervision on the part of the executive and lastly,
- (5) Bad accounting system.

That the above observations were largely correct can be understood from the Annual Report of the Audit Department. In 1923-24 the Report observed—“As in the case of the municipalities, if local self-government, as manifested in the work of the District Board, is to be a success the members comprising the Board should be of the right stamp, imbued with a high sense of local patriotism and prepared to observe a strict code of morality in their dealings with the Boards”.<sup>15</sup>

After 10 years of working, the situation instead of improving had further worsened. The Audit Report of 1933-34 observed—“The financial condition of many of the District Boards during the year under review continued unsatisfactory. This was mainly due to (a) reduced income, (b) defective budgeting with its attendant evils, and (c) failure to curtail expenditure to an appreciable extent”.<sup>16</sup>

The irregularities noticed by the Audit were of the following character :-

- (1) Irregularities due to lack of financial control ;
- (2) Irregularities due to lack of supervision ;
- (3) Irregularities due to an inadequate appreciation of the law or the rules.

The condition of the District Boards did not improve substantially even after the attainment of Independence. After partition the number of the ‘District Boards’ was reduced to 13 (the previous number of the District Boards in undivided Bengal was ‘26’). The present number is 15 by including the District Boards of Purulia and Cooch Behar.

<sup>15</sup> Annual Report on the working of the Local Audit Dept., Bengal, for 1923-24. p. 24.

<sup>16</sup> Annual Report on the working of the Local Audit Dept., Bengal, for the year 1933-34. p. 18.



We now proceed to our discussion of the fourth period (1919-1957) i.e. from the Union Board system to the Panchayat system when the same was introduced in West Bengal in 1957.

#### 1919—1957

It may be mentioned that in the wake of the Reforms, important changes were introduced in the urban bodies of the Province. Under the leadership of Rastraguru Surendra Nath revolutionary changes were made in the Calcutta Corporation under the Calcutta Municipal Act, 1923. In 1923 he simultaneously introduced a Bill in the Legislature incorporating major reforms in the 'Bengal Municipal Act, 1884'. But unfortunately due to his defeat in the Council election of 1924 (he died in August, 1925) the progress of the Bill was hampered much. Only in 1931 the Municipal Bill was reviewed by Sri B. P. Singha Roy (new Local Self-Government Minister) and an amended and consolidated Bengal Municipal Act (B.M. Act, 1932) was passed.

It may further be observed that during this period (1919-1937) momentous events occurred inside the country which had great impact not only on the 'self-governing institutions' of our State but practically on the entire national life of India. In the post-1920 period Gandhiji's appearance in Indian political scene and the transformation of the hitherto sporadic national movement into a mammoth 'mass movement' were the leading events of the period. In 1928 Simon Commission visited India to review the working of the Reforms. The Commission had to face a tremendous agitation throughout the country but its report had an important constitutional significance. The Commission recommended 'abolition of the diarchy' with immediate effect and the introduction of a 'Federal Scheme' at a later period. On 1st April, 1937, came the next major reforms, the Government of India Act, 1935, when complete provincial autonomy was introduced in place of diarchy.

In 1935 the 'Bengal Village Self-Government Act, 1919' was amended by 'Bengal Act VIII of 1935' and following changes were introduced :—

- (a) Extension of the term of office of Union Boards from 2 to 4 years.
- (b) Provision was made to bar the intervention of Civil Courts in election disputes.
- (c) Liberalisation was made in franchise qualifications and educational qualification was included amongst the qualifications for the franchise.



- (d) Extension of power to the Union Benches for imposition of fines upto Rupees fifty (in place of Rupees twenty five).
- (e) Additional functions and powers were granted to the Union Boards. They were empowered to undertake measures for the improvement and development of cottage industries and to employ additional staff either singly or jointly.
- (f) As an alternative to supersession of the Union Board, in case of incompetence or neglect of duty the Divisional Commissioners were empowered to dissolve the Board and order a General election with the approval of the Government. Power was also given to the Government for removal of an 'undesirable member' of an Union Court without superseding the Bench.<sup>17</sup>

The '1919 Village Act' was further amended in 1947 (West Bengal Act of 1947) when nomination system to the Union Boards was abolished.

In 1950 there was further extension of franchise and 'women' were allowed to vote and to stand as candidates for the first time in the 'Union Boards' elections (West Bengal Act XXVI of 1950).

#### *Contributions made by the Union Boards*

In an earlier chapter certain reference has already been made in regard to contributions of the Union Boards as self-governing units. Compared with the 'Village Unions' (under Local Self-Government Act, 1885), the Union Boards enjoyed additional powers and scope of activities. Further, they had power of self-taxation (though restricted and completely inadequate to carry on the functions of a local self-governing institution) under the management of an elective Board. Their main functions were confined to the maintenance and supervision of village defence (Chowkidars and Dafadars) and providing such essential amenities as drinking water, village sanitations, maintenance of village roads and undertaking anti-epidemic measures. Rural justices (Petty civil and criminal cases) was also carried on by the Union Benches and the courts. It can be easily understood that in the context of the population coverage and in consideration of needs of the village people, the performances of the Union Boards were inadequate and far from satisfactory. The inadequacy can be gauged when we remember that in 1936-37 the Union Boards of Bengal spent for a population of 4,04,56,122 (covering 4895 Boards) the following as major items on public amenities :—

<sup>17</sup> Union Board Manual, (Govt. of West Bengal) p. IV. Vol. I (1954).



Items of Public Amenities	Total amount spent in 1936-37	Amount spent per Board*
1. Water supply	— Rs. 8.48 lakhs	— Rs. 173.07
2. Construction and maintenance of village roads	— Rs. 6.66 lakhs	— Rs. 136.00
3. Conservancy and sanitary measures	— Rs. 2.66 lakhs	— Rs. 54.03
4. Primary Education	— Rs. 3.09 lakhs	— Rs. 63.06
5. Medical Relief	— Rs. 2.60 lakhs	— Rs. 53.06

On the other hand the Boards had to spend in the same year Rs. 49.02 lakhs as salaries and equipments for the maintenance of Dafadars and Chowkidars (approximately Rs. 1001.04 was spent for each Board).

It may also be observed that the total income of the Union Boards in 1936-37 was Rs. 98.03 lakhs (excluding the opening balance). The corresponding figure in 1935-36 was Rs. 93.96 lakhs. It may also be mentioned that out of this income Rs. 73.12 lakhs came as the Union Rate (Rs. 57.81 lakhs was realised as Chowkidari rate). Thus the figures reveal, both income and expenditure, that the main emphasis of the Union Boards were on the 'village defence'. Practically speaking, the Chowkidars and Dafadars consumed more than 50% of the income of the Union Boards.\*\* This is certainly not a happy picture. Rather it was an injustice to the rural people that they had to pay for their defence and security which is undoubtedly a national task. Incidentally it may be mentioned that the Urban Municipal Boards had to pay for the town police till 1883. There was strong resentment against this retrograde provision and this was withdrawn in the B.M. Act., 1884.

The activities of the Union Boards were reviewed by the 'Bengal Administration Enquiry Committee' in 1944-45. The Committee while appreciating the need of such village local self-governing bodies (as schools for political and administrative training) recommended the following measures for their sound functioning and growth. The measures

\* A Union Board roughly covered on an average 8264 population.

\*\* Dr Mohit Bhattacharya while discussing the activities of the Union Boards observes, "As regards the actual operation of the Union boards under survey, at least fifty per cent of their income is generally spent on administration, including the entire cost of maintaining the village police. Thus they have very little left for expenditure on other local government services." Dr M. Bhattacharya—Rural Self—Government, Metropolitan, Calcutta, p. 88



were :—

- (1) All members of the Union Board should be elected by secret ballot, if possible, and the nomination system should be abolished.
- (2) There should be augmentation of Union Board revenue (no real improvement can be made with shortage of funds). It was recommended that the Union rate should be increased from Rs. 84 to Rs. 200.
- (3) The average Union should have an area of about ten square miles and a population of some 10,000. The Committee was opposed to unnecessary modification of boundaries unless these were exceptional cases.
- (4) Each Union Board should have a full time clerk. This clerk should be a local man, belonging to the majority community in the Union, paid by Government, appointed and dismissable by the Sub-divisional officer.
- (5) For better guidance and supervision circle officers should be appointed. Their jurisdictions should be one officer for each thana (police station).<sup>18</sup>

### *Observations*

Thus compared with the 'Village Unions' of the '1885 Act' the setting up of the 'Union Boards' was definitely an advance in the development of the self-governing institutions in the rural areas of Bengal. It may also be observed that compared with some of the contemporary rural self-governing Acts like those of Bihar, Orissa, Bombay or even United Provinces the provisions of the Bengal Act were definite, firm and pointed.

The Act introduced election system and excepting a small number, all the members of the Union Board were elected. Provision of 'self-taxation' was its additional advantage. In spite of restricted franchise and scope of activities provided by the Act the progress of the Union Boards in Bengal was remarkable, considering the political situation of the period, particularly Gandhiji's non-co-operation movement which had a halting effect in the spread of these bodies in rural areas. In 1935-36 the number of Boards were 4810 and in 1936-37 the number increased to 4895.

On the other hand the progress of the Union Boards in Bihar and the Village Panchayats in U. P. were far from satisfactory. Dr Nawal Kishore Prasad Verma writes—"For a pretty long time Union Boards had not been started on a large scale in Bihar and most of them were still

<sup>18</sup> District Administrative Enquiry Committee Report—1944-45. p. 50.



then in their experimental stage till 1935-36..... There were altogether 135 Union Boards working in the province in 1935-36".<sup>19</sup>

Similarly, the Government of Bombay's Resolution in regard to the Working of the Panchayats (under the Bombay Village Panchayat Act, 1920) deserves mentioning—"On the whole working of these institutions is far from satisfactory on account of want of adequate resources, and the apathy or unwillingness of the people to tax themselves". These remarks clearly indicate that the working of the Panchayats under the Act of 1920 was not satisfactory even after 6 or 10 years after the introduction of the Act.<sup>20</sup>

In 1935-36 and in 1936-37 the number of village Panchayats in U. P. (under the U. P. Village Panchayat Act VI of 1920) was 4127 and 4372 respectively. It may also be observed that the U. P. Act suffered from certain basic short-comings. It had no election system and neither was there any provision for self-taxation. The application of the Act was voluntary in character. Dr. Purwar observes—"Despite the amendments of 1934, the U. P. Village Panchayat Act of 1920 remained as defective as before. The voluntary nature of the Act, lack of local initiative, absence of the provision for election, excess of officialdom with a limited power of jurisdiction leading to non-concentration of various activities at one single focal point and absence of any provision for the imposition and realisation of taxes, were its main defects, which remained even after the amendment of 1934".<sup>21</sup>

But the political situation soon changed favourably in some of these provinces. There were 'Congress Ministries' in eight provinces of India (under the India Act, 1935). Various enactments in regard to Local Self-Government were adopted in the 'Congress Provinces'. But no such opportunity was available in Bengal. The Province was first administered by the Krishak-Praja party of Mr. Fazlul Huq and thereafter by Muslim League Ministry of Mr. Surhawardy which continued till 1947. It may also be recalled that in the post-1938 period the progress of the 'Local Self-Government' in Bengal seriously suffered primarily due to three reasons. These were :—

- (1) Reactionary and communal policy pursued by successive Muslim Ministries in the Province.

<sup>19</sup> Dr N. K. P. Verma—'Local Franchise in Bihar' (Quarterly Journal of the Local Self-Government Institute, Bombay), January-March, 1965.

<sup>20</sup> Dr S. V. S. Samant—'Village Panchayats' (Quarterly Journal of the Local Self-Government. Institute, Bombay), July, 1957. p, 35.

<sup>21</sup> Dr Vijaya Laxmi Purwar—'Panchayats in Uttar Pradesh'. p. 88.



- (2) Impact of world war and devastating Bengal famine of 1943.
- (3) Partition of Bengal in 1947 and the consequential socio-political and economic situation in the country.

It may also be observed that no printed and published official record of the progress of Local Self-Government work in the province (both urban and rural) is available since 1940-41. The position has not substantially improved even after the introduction of the Panchayat system in West Bengal in 1957. Prior to the discussion of the new village system (Panchayat) a brief introduction of the birth of West Bengal indicating her demographic picture as also mentioning of the broad features of her political and economic situation is desirable for our immediate study.

*West Bengal—a new State of Republic India*

In the introductory chapter a brief description of India's demographic character and a passing reference to the basic features of her economy have been stated. It has been observed that even after 20 years of her independence and after the completion of Three Five Year Plans India remains by and large an agricultural country. It is evident that villages must have an abiding influence not only over her economy but also in the political and social set up of her government. The pull and pressure of 'Village India' in building up this new democratic Republic is one of the interesting studies of our political science. In the study of Panchayatiraj one may find not only a bold attempt of the reflection of this 'pull' but also a novel experiment of village self-government in a reoriented set-up. In order to understand the different factors of this 'experiment' as also the character of the 'pull' the study of the socio-political conditions of the local area (where the experiment is being made) is imperative.

It may be recalled that in the political map of Republic India West Bengal is a new State. The birth pang of the present State of West Bengal was heralded on the 15th August, 1947—a historic date when on the one hand power was transferred to the Indian people and simultaneously on the other hand India had to be partitioned into two separate States. The creation of West Bengal was the natural consequence of this partition of the erstwhile undivided province of Bengal. The west part belonged to the Indian Union and the eastern portion was included in the new Pakistan State. Thus a tract which since the beginning of recorded history was regarded as one geographical unit with a peculiar ethnic and cultural homogeneity was severed into two in the course of a day. The consequence



of partition struck a severe blow to the existing set-up and shook the very foundation of the State. The entire economy of the State was seriously upset. The partition had an impact also on the social and cultural life of the people.

It was the beginning of a truncated State—the problem province of the new Indian Republic. It started with various intricate and difficult problems—the gravest of them was the question of rehabilitation of millions of ‘uprooted humanity’ who had to cross the border and thus paid the costly price of freedom and independence. Undoubtedly both India Government and other sister States came to her help and extended their sympathetic hands in the hour of her agony—but she had to shoulder the major part of this burden. This burden was seriously felt in the acute concentration of population in the Greater Calcutta, in the industrial sector and even in some of the remote parts of the State where living was possible. And this resulted, as would be evidenced in the subsequent pages (noticed already in the 1951 census), in overcrowding in an unbelievable manner and also in sharp decline in agriculture. The crisis had been further accentuated during all these years and manifested in the shape of slums, scarcity of essential foodstuff, mounting prices of daily commodities, inadequacy of transport services and near breakdown of municipal services, not only in Calcutta but throughout the State of West Bengal.

Of course for our present study the tracing of detailed account of this grim story is not of immediate interest. We are mainly concerned here with the demographic character of West Bengal’s population and territory which have an important bearing on the growth and functioning of self-governing institutions of West Bengal.

Incidentally it may be mentioned that undivided Bengal was one of the largest province of British India. Both Bihar and Orissa were part of Bengal upto the first decade of the present century. On the eve of the partition undivided Bengal comprised (including Cooch Behar and excluding Tripura) an area of 78,839 square miles and with a population of 6,68,73,708. After partition, West Bengal obtained nearly 39 per cent of the area of undivided Bengal i.e. 30775 square miles and about 37 per cent of her population i.e. 2,48,10,308 (excluding Chandernagore). Prior to ‘States’ Reorganisation West Bengal consisted of two Divisions—Presidency and Burdwan and having fifteen administrative districts. After 1956 a new district i.e. Purulia has been added. At present West Bengal consists of 3 divisions and 16 districts. The districts are arranged in the following manner :—



<i>Presidency Division</i> 5 Districts	<i>Burdwan Division</i> 6 Districts	<i>Jalpaiguri Division</i> 5 Districts
Calcutta Howrah 24-Parganas Murshidabad Nadia	Burdwan Bankura Birbhum Hooghly Midnapore Purulia	Cooch Behar Darjeeling Jalpaiguri Malda West Dinajpur

*Demographic distribution :*

It may be further mentioned that West Bengal compared with some important States of India has a high density of population and that the distribution of her population is also uneven. Figures quoted below from 1951 census are revealing :—

**Table-I**  
*Density : 1951 census*

<i>State</i>	<i>Total Population</i>	<i>Density of population per square mile</i>
All India	35,68,79,394	287
Assam	90,43,707	176
Bihar	4,02,25,947	572
Bombay	3,59,56,150	323
Madhya Pradesh	2,12,47,533	162
Orissa	1,46,45,946	243
Uttar Pradesh	6,32,15,742	557
West Bengal	2,48,10,308	799 <sup>22</sup>

**Table-II***Density of population (after States Re-organisation)*

<i>State</i>	<i>Total population</i>	<i>Density of population per square mile</i>
India	36,11,51,669	312
Bihar	3,87,84,172	572
Bombay	4,82,65,221	253
Orissa	1,46,45,946	244
Punjab	1,61,34,890	340
Uttar Pradesh	6,32,15,742	557
West Bengal	2,63,01,992	775 <sup>23</sup>

The figure for overall density however does not give the complete picture. It certainly indicates very high pressure of population. Certain

<sup>22</sup> 'West Bengal To-day. pp. 26-27. (Published by Govt. West Bengal, 1954).

<sup>23</sup> 'India 1957'. p. 11. (Government of India Publication).



further points are needed for understanding Bengal's problems in this behalf. To quote from the census Report of 1951 (p. 179) 'out of a total area of 30,775 square miles only 4126 or 12.4 per cent of State's area covering 104 police stations containing 62 cities and towns have densities over 1050 to the square mile. On the other hand these 4126 square miles or 13.4 per cent of West Bengal's area contain as many as 1,05,89,149 persons or approximately 42.7 per cent of the State's entire population. Almost by contrast, 26,649 square miles or 86.6 per cent of the State's area contain 1,42,21,159 persons or 57.3 of the State's population in the remaining 176 police stations which contain 51 non-industrial towns'.<sup>24</sup>

But this not all. If we further examine the same Census report (1951) rural density per square mile and the proportion of total population supported by agriculture per 1000 of general population during 1901-21 and in 1951, it will be found that both the figures register increase upto a level. But as soon as that level is reached, rural density goes on increasing but the proportion falls off, thus indicating clearly that agriculture can no longer give occupation to the increasing rural population. It is found from that table that the peak level is reached round about the rural density of 500 persons per square mile. The Census report further observes—"in the industrial districts of Hooghly, Howrah and Burdwan, the peak of agricultural crowding seems to have been reached as early as 1911—it is also interesting to note how in all other districts except Birbhum and Bankura, where cultivation is more different problem than elsewhere, agricultural crowding reached its peak ten years later, that is in 1921.... The decline is marked enough to be significant and shows how agriculture is steadily heading for a crisis. The stage has already been reached when agriculture cannot entertain larger population but must drive away some of the surplus. But as has been shown.....the population driven away to towns by agricultural over-crowding leads to pillar-to-post existence and aggravates sub-marginal living".<sup>25</sup>

From the facts stated above it can be generally concluded that already in 1951 the (1) overall density is very high in West Bengal (2) distribution of population is uneven (3) vis-a-vis occupational opportunities, the density is extremely high.

#### *Growth of Towns and trend of urbanisation :*

Primarily due to historical reasons and also due to presence of favourable and convenient factors for the growth of industries it could be

<sup>24</sup>. Quoted from 'West Bengal To-day' (Govt. of West Bengal Publication, edited by Sri B. C. Sinha, Minister-in-charge of Land Revenue, 1954, p. 26.

<sup>25</sup>. Quoted from 'West Bengal To-day' (Govt. of West Bengal Publication, edited by Sri B. C. Sinha, Minister-in-charge of Land Revenue, 1954. p. 28.



observed that already by the end of the 19th century Bengal became one of the most advanced industrial provinces of British India. Over and above, Calcutta being the capital city of India till the first decade of the present century, acquired a pre-eminent position in political and economic life of India.

As a natural corollary of this importance of Calcutta—industrial towns grew up in the suburbs of Calcutta and particularly on both sides of the river Hooghly. There was tremendous onrush of population not from the rural parts of province (by 1911 there was already stagnation of agriculture as stated earlier) but there was also migration of population from neighbouring sister provinces. This unhealthy inroad of population caused high density of population growth and various other maladies of modern urban life. It may be remembered that out of 89 municipalities and 2 corporations of the State—34 municipalities and 2 corporations are located in greater Calcutta now known as 'Metropolitan District'. The population of this area is about 56 lakhs and covers roughly 175 square miles. Thus the average density of 'greater Calcutta' covering the aforesaid municipalities and corporations is 32,000 per square mile.

The impact of this unhealthy urbanisation is already observed in the creation of slums, bad roads, inadequate and even absence of drinking water, insufficient transport facilities and deplorable conservancy services. In these circumstances the majority of the urban civic bodies could hardly undertake any development work during the post-war and post-independence period.

It is in this context that the necessity of an effective self-governing institution in rural areas was urgently felt. It may be recalled that villages as such could not attract people—there was neither sanitation nor provision of passable roads, street lighting, good drinking water and facilities of proper education. Further, the prospects of employment was extremely gloomy. But this was not all. Majority of the village people had no right over their lands. Owing to the prevalence of the Permanent Settlement the Zemindars were more or less happy, since after paying their fixed amount to the Government they could earn a good sum spending practically nothing for improvement of the land. On the other hand there was growing number of rural proletariats evicted from land owing to their failure to pay their dues either to the mahajans or to the zemindars. The situation was unbearable. In 1954 the State Acquisition Act was passed, some relief was introduced. But the condition of the poor peasants was still gloomy and no substantial improvement has been introduced in their living conditions as yet.



But this is one side of the picture. As has been indicated earlier, the village as a whole was unattractive and depressing. There was continued frustration and despondency amongst the villagers in regard to their surrounding and approach to their life. They were either dependent on the Government or on some extraneous events or forces for their living. It may be recalled that since 1904 Rabindranath had made repeated attempts to draw the attention of our countrymen to this vital problem. He also placed a concrete programme in this behalf. A revitalised village life with better sanitation, medical relief and provision of drinking water were the minimum requirements. Along with these there should be avenues of income in the shape of better farming, cottage and village industries run on co-operative principles, pisciculture and such other community works.

It can also be understood that revitalisation and reconstruction of villages on the aforesaid programmes may disperse the present unhealthy concentration of population in our urban areas. The flight of village elite may also be stopped.

In these surroundings the introduction of the West Bengal Panchayat Act in 1957 with its promise of an effective rural self-governing institution was an happy augury. The object of the Act and the structures envisaged in the Panchayat system are discussed in the subsequent pages.



## CHAPTER — IV

### EVOLUTION OF PANCHAYAT AND PANCHAYATI RAJ

Village Panchayat is the lowest unit of new India's democratic apparatus. The setting up of Village Panchayat as a true self-governing institution was one of the Directive Principles of India's Constitution. The provision of Article 40 may also be mentioned—"The State shall take steps to organise village Panchayats and endow them with such powers and authority as may be necessary to enable them as units of self-government".<sup>1</sup> It may be recalled that village institutions were already there in different provinces of India having limited powers and functions. But it was apparent to the Constitution-makers, that unless these hitherto village institutions of the British period were properly re-organised and endowed with adequate powers and authority, the grand edifice of this vast democratic Republic would remain 'unsound' and 'unsafe'. In their conception Panchayats would be the 'base of India and should have living contact with the people on the one hand and the higher authorities of the Government on the other.'

It has also been indicated earlier that India having different religious minorities and distinct cultural and linguistic groups, and obtaining a Federal polity with a strong central bias urgently requires the provision of direct democracy at some stage of its government. People should not only be mute receivers of 'blessings' from above—they should have necessary power and authority to shape their own destiny and surroundings and to plan a new India of their own choice. Admittedly local Government is the most appropriate sphere where 'participating democracy' or 'grass root democracy' of this sort is only possible.

#### *Panchayat—Directive Principle*

Although our Constitution-makers provided a place for the Panchayat in the Constitution they did not set out further details about it. As the matter was a State subject the initiative for its re-organisation and re-orientation was primarily left to the State Governments. In the post-1950 period various enactments were made either to amend the existing 'Village Self-Government Acts' or to modify them by enlarging their scope, authority and franchise. It was apparent that a weak and ineffective Panchayat could hardly stir the rural masses and break their prevailing apathy and inertia in the matter of nation building work. An analysis of these Acts

<sup>1</sup> Article 40—Indian Constitution.



would reveal that there was considerable hesitancy on the part of the authorities to transfer effective power to these bodies. It was further observed that in the majority of these enactments no change was made in the structures beyond the village level. Thus the District Boards and the Local or Taluq Boards of the British period continued their existence as before. This was an anachronism of the worst type occurring in a State which claims to be a stable democracy and is wedded to a socialistic pattern of society.

Sri S. K. Dey very aptly narrated the situation—"Democracy in India presents now the amazing spectacle of a few leaders being crushed under the weight of all powers concentrated in them at the State head quarters or in the Centre. Government servants exercise these powers on their behalf. The farther the point of operation the less amenable is the officer to democratic control. When opposition is neutralised, nemesis is bound to follow".<sup>2</sup>

In spite of this bureaucratic obstinacy there was continuous demand all through for a radical policy in shaping the local self-government befitting the new situation. But this was not all. The political as also the economic situation within the country urgently necessitated such a change.

India's political situation, particularly her foreign relations with some of her neighbours were not satisfactory. In spite of signing of 'Panchaseal' (1954) and the emergence of Bandung spirit (1955) of 'peaceful co-existence' a section of the national leadership was anxious about China in regard to India's security and defence. The situation took a serious turn only in 1959 when Dalai Lama and his party fled from Tibet and were given reception and shelter by the India Government. Similarly, a critical situation developed in Pakistan in September, 1958, when Martial Law was promulgated throughout the State owing to riotous disturbances in East Pakistan.\* Pandit Nehru while expressing his concern in the matter stated that this is an event which one could not appreciate or like.

At the same time leaders also felt that there had been a widening gulf between the masses and the Government. As Dr Rao observed—"Thus there is a great gap between the people's expectations and the constitutional responses, and change through constitutional method and legislation has become difficult ; and the gap is being filled up by all sorts of devices adopted ad-hoc by the people to induce change according to the situations."<sup>3</sup>

<sup>2</sup> Sri S. K. Dey—Panchayati Raj. p. 51.

<sup>3</sup> Dr K. V. Rao—Parliamentary Democracy of India. p. 451.

\* Bangladesh.



Sarvodaya leader Sri Vinoba Bhave expressed his anxiety in this behalf and emphasised the importance of 'Gramdan' in the interest of India's national defence—"To-day, on account of a variety of reasons, India needs Gramdan, and cottage industry based reconstruction on the basis of Gramdan. Among these reasons the most important is the one caused by the circumstance and the circumstantial reasons are important. .... And so powerful circumstantial necessity for a village planning based on Gramdan and a cottage-industry-based planning has presented itself because of the highly unstable world situation in which no body can say when a world war might start. This is not just an imaginary fear. .... Without overall village planning no village can be self-sufficient and without Gramdan no village can have overall village planning. Therefore, Gramdans are essential. I am emphasizing this aspect as a defensive measure. Gramdan to-day is absolutely essential for the progress of our villages and for our defence".<sup>4</sup>

To these leaders the best reply to totalitarianism was to revitalise and rejuvenate the bases of India's democracy. In April, 1957 Prime Minister Nehru had to emphasise on this vital aspect of the Panchayat—"They (Panchayats) form the real base of our democracy. If that base is unsound, then we are not cent per cent stable democratically, even with the second base of our Parliament.....The fact remains that the Panchayats are the primary base of our democracy and we have to improve them".<sup>5</sup>

In the economic field while reviewing the experience gained in the execution of the First Five-Year Plan (1951-1956) it was felt by the authorities that unless a new effective leadership was urgently created amongst the rural masses the National Development Plans could hardly be executed in the rural sector. The task became imminent in view of the admitted failure of the N. E. S. and Community development programmes. "The Community Development programme initiated in the First Plan was intended to develop the rural areas intensively and to associate the village people through their leaders or representatives with the working of Projects in Blocks. It was started in 1952 on a pilot basis in selected areas and was called 'Community Projects'. It was later on decided to establish National Extension Service all over the country with a development Block as the lowest administrative-cum-development unit. ....These bodies according to Mehta Committee failed to evoke enthusiasm and to give any indication of durable strength or the leadership

<sup>4</sup> A. I. C. C. Economic Review, pp. 7-8. July 1, 1957.

<sup>5</sup> Jawaharlal Nehru Speeches. Vol. III, (1953-57) pp. 162-163.



necessary to provide the motive force for continuing the improvement of economic and social conditions in rural areas".<sup>6</sup>

Morris Jones also observed—"However, it was not these administrative creating which led to the next stage so much as the disappointing response of rural India to the C. D. programme. Reports by the project evaluation organisation, by individual investigators, and finally by the Balwant Rai Mehta Study Team all agreed that although it could be said that C. D. was in demand, it was sought for wrong reasons. So far from stimulating self-help C. D. seemed only to have increased the proneness to look to Government. There were also the accusations that C. D. had been efficiently exploited by dominant sections of the rural community in such a way as to strengthen their own position relative to the less fortunate".<sup>7</sup>

In 1956, Planning Commission also clearly outlined the role of the Panchayats in this behalf—"Rural progress depends entirely on the existence of an active organisation in the village which can reach each family and bring all the people including the weaker sections of the community into the production and other common programmes to be carried out with the assistance of the administration.

"In order to secure these aims and to bring about a more just and integrated social structure and for developing a new pattern of leadership in village society, Panchayats have to be placed on a sound footing and entrusted with a great deal of responsibility for co-ordinating different local programmes. Their programmes should be closely integrated with programmes adopted in development blocks".<sup>8</sup>

#### *Recommendations of the Central Council of Local Self-Government*

The second meeting of the Council of Local Self-Government held in September, 1956, emphasized the development of Panchayats and recommended that Planning Commission should allocate funds for such development. The Third and the Fourth meetings of the Council were more emphatic and definite in the matter. The Fourth meeting of the Central Council of Local Self-Government held in Delhi in 1958 recommended "that Panchayats should be entrusted with the responsibility of planning for the development of the area under their jurisdiction and executing the plans, consistent with the resources available. For the total development of the village they will broadly have to attend to its planning in keeping with (1) peoples' aspirations and wishes ; (2) execution of approved plans ;

<sup>6</sup> R. V. Jathar—'Evolution of Panchayati Raj in India'. Quarterly Journal of the Local Self-Govt. Institute, Bombay, Jany-March, 1967. p. 289.

<sup>7</sup> Morris Jones—"The Government and Politics of India". p. 146.

<sup>8</sup> Second Five-Year Plan, (Summary). p. 60.



(3) mobilising local resources to supplement external resources ; (4) progressive increase in peoples' participation ; and (5) evaluation of its work by stock taking".<sup>9</sup>

*Balwant Rai Mehta Committee Report*

It was in this background that in December, 1957, the 'Balwant Rai Mehta Study Team' submitted its report and recommendations in regard to setting up of 'Panchayati Raj' as successor to C. D. Programmes.

"Democratic Decentralisation is a kind of mirror in which one can see the progress of the work each day and each hour. People have better opportunities of meeting and discussing their mutual problems at the grass root level and eventually solving them quickly."<sup>10</sup> Decentralisation of responsibility and power, observed Mehta Committee, has not taken place below the State level in recent years. Such decentralisation has now become urgent and can be effected by a devolution of power to a body which, when created, will have the entire charge of all development work within its jurisdiction.

Democratic Decentralisation is the key note of these recommendations. The underlying principle of this policy was "The Government should divest itself completely of certain duties and responsibilities and devolve them to a body which will have the entire charge of all development work within its jurisdiction, reserving to itself only the functions of guidance, supervision and higher planning". The Committee envisaged a three-tier organisation for reorganising the existing local bodies. They are Zilla Parishad at the district level, Panchayat Samity at the Block level and Panchayat at, the village level. The Committee also observed—"The district board, the district school board and the Janapad Sabha became superfluous, as local interest, supervision and care, necessary to ensure that the expenditure of money upon local objects conforms to the wishes and needs of the locality, are provided by the Panchayat Samity, which we consider a body of size adequate to population and area. The functions which these bodies are at present performing will in our opinion be performed with greater efficiency by the Panchayat Samity".<sup>11</sup>

*Panchayati Raj*

It has to be admitted that this metamorphosis of 'Panchayat' into 'Panchayati Raj' is an outstanding event of Indian politics in the post-1958

<sup>9</sup> Proceedings of the Fourth Meeting of the Central Council of Local Self-Government, October, 1958. p. 37.

<sup>10</sup> Report of the Study Team. p. 125.

<sup>11</sup> Ibid, . . . . . p. 125.



period. The whole process of this change has been rightly appreciated by Prof. M. Venkatarangaiya in these words—"It was due to the realisation by Government that without popular co-operation and participation planned development of rural areas was impossible, that recommendations were made by the Planning Commission, by the Balwant Rai Mehta Committee, by the Ministry of Community Development at the Centre and by all development Commissioners in the States, that local bodies in rural areas should be entrusted with functions relating to rural development in the most comprehensive sense of the term. This is a revolutionary change and marks a departure from the century old notion that public health, education and roads are the only services that should be made over to the local bodies".<sup>12</sup>

It is interesting to note that from now on the word 'Panchayati Raj' has been used in place of 'Panchayat' practically throughout India. It is felt that this new connotation has been applied with a purpose for indicating the change in our village self-governing system covering upto the district level. The Constitution provided a dual polity or 'Raj'—the Union Government and the State Government. It is perhaps intended that the re-oriented Panchayat system shall be the Third-tier or Panchayati Raj. It was further intended that the people should feel that it is their own Swaraj and they have necessary powers and rights to shape its destiny. The advocates of Panchayati Raj like J. P. Narain and others even propagate an amendment of the Constitution in order to include the provisions of the Panchayat system as part of the fundamental law of the country.

In regard to the object of Panchayati Raj, the Third Five-Year Plan provides—"The primary object of Panchayati Raj is to enable the people of each area to achieve intensive and continuous development in the interest of the entire population. The elected representatives should be encouraged to value the development of Panchayati Raj as offering new avenues of services to the people rather than opportunities for the exercise of authority".<sup>13</sup>

Further—"The establishment of democratic institutions at the district and block levels and the role assigned to the Gram Sabha and the Village Panchayat constitute fundamental and far-reaching changes in the structures of district administration and in the pattern of rural development".<sup>14</sup>

<sup>12</sup> Prof. M. Venkatarangaiya—"Local Self-Government in India", Quarterly Journal of the Local Self-Government Institute, Bombay, January, 1961. p. 356.

<sup>13</sup> Third Five-Year Plan, p. 337.

<sup>14</sup> Ibid, . . . . . pp. 83-84.



This vital change in our Village Self-Government has also drawn the attention of foreign political scientists and intellectuals. The observations of Prof. Morris Jones deserve mentioning—"It is not easy to understand the widespread enthusiasm with which in the years 1959-62 State Governments all over India set about a reconstruction of local Government. The panacea-like quality of Panchayati Raj owes something to Gandhian memories and their revival by J. P. Narain ; the latter's teaching tended to present Panchayati Raj as indigenous and traditional—'Communitarian democracy' and the same time as more modern than the West—'participating democracy'.....while it is still early to assess the consequences of Panchayati Raj.....it does seem clearly that the foundations of a new system have been laid'.<sup>15</sup>

<sup>15</sup> W. H. Morris Jones.—The Government and Politics of India, pp. 146-147.



## CHAPTER—V

### CONTRIBUTIONS MADE BY GANDHIJI, RABINDRANATH AND OTHER NATIONAL LEADERS

We have so far traced the evolutionary change of Panchayat into Panchayati Raj with its three-tier structure as new statutory organisation in our village Government and mentioned that by and large the recommendations of the Balwant Rai Mehta Committee were primarily responsible for this. But it should not be forgotten that the revival of 'Panchayat system' in Indian politics and its inclusion in India's Constitution were largely possible due to Gandhiji. 'Village Panchayat' was one of the basic objectives of Gandhiji's life and philosophy. Since the end of the second decade of the present century till his death he continuously preached for the reconstruction of India's villages and for the establishment of Panchayats as successor government of the local areas.

He clearly visualised the role of Panchayat in new India. In 1946 he wrote—"Independence must begin at the bottom. Thus every village will be a Republic or Panchayat having full powers. It follows, therefore, that every village has to be self-sustained and capable of managing its affairs even to the extent of defending itself against the whole world". Gandhiji further clarified the position of Panchayat in the society. "In spite of its being a base, it will not be dictated from above. With the Panchayats a new society will be born where each one will sustain each other and will enjoy equal status. In this structure composed of innumerable villages there will be ever-widening, never ascending circles. Life will not be a pyramid with the apex sustained by the bottom. But it will be an oceanic circle whose centre will be the individual always ready to perish for the village, the latter ready to perish for the circle of villages, till at last the whole becomes one life composed of individuals, never aggressive of their arrogance but humble, sharing the majesty of the oceanic circle of which they are interal units".<sup>1</sup> Gandhiji's village Swaraj is a complete unit, having all the requirements which people want, but interdependent for many others in which dependence is a necessity. He also visualised how this village Government would be conducted—"The Government of village will be conducted by the Panchayat of five persons, annually elected by the adult villagers, male and female, possessing minimum prescribed qualifications. These will have all the authority and jurisdiction required. Since there will be no system of punishments in the accepted sense, this

<sup>1</sup> M. K. Gandhi, Harijan—28.7.1946. p. 236.



Panchayat will be by the legislature, judiciary and executive combined to operate for its year of office." As regards village-defence—"There will be a compulsory service of village guards who will be selected by rotation from the register maintained by the village."<sup>2</sup>

It is evident that Gandhiji's conception of Panchayat is fundamentally different from the Panchayati Raj structures envisaged by the Mehta Committee. In the latter case village panchayat derives its authority and power from above and its existence depends on the sweet will of the State hierarchy. Gandhiji's inverted pyramid is completely lost in the present day Panchayati Raj system. To Gandhiji village Panchayat should function only under a law of its own making. But this is hardly possible by mere 'devolution of power'.

To Gandhiji 'Hind Swaraj' and the structures of the future Government of India including the village Government which he imagined to be built up in the post-independent India were his life's mission. Even in 1945 he wrote to Pandit Nehru—"I have said that I still stand by the system of Government envisaged in Hind Swaraj. These are not mere words. All the experience gained by me since 1908 when I wrote the booklet has confirmed the truth of my belief. Therefore, if I am left alone in it I shall not mind, for I can only bear witness to the truth as I see it". He further observed—"I am convinced that if India is to attain true freedom, and through India the world also, then sooner or later the fact must be recognised that people will have to live in villages, not in towns, in huts, not in palaces".<sup>3</sup>

Of course, he also clarified the type of village life that he wanted to live. "You must not imagine that I am envisaging our village life as it is to-day. ....My village will contain intelligent human beings. They will not live in dirt and darkness as animals. Men and women will be free and able to hold their own against any one in the world. There will be neither plague nor cholera nor small pox ; no one will be idle, no one will wallow in luxury. Every one will have to contribute his quota of manual labour".<sup>4</sup>

In spite of Gandhiji's assertion that he did not change his 'stand' and his 'ideals' conceived long ago it is well-known that he had his contradictions on many vital matters. Even his best colleagues did not agree with him on some of the major issues which were his life's mission. On this particular matter sharpest rejoinder came from Nehru himself. In his reply

<sup>2</sup> M. K. Gandhi, Harijan—26.7.1942.

<sup>3</sup> Nehru—'A Bunch of Old Letters'—(Letter written by Gandhiji to Pandit Nehru dated 5th October, 1945) pp. 505-506

<sup>4</sup> Ibid. ....p. 506



he pointed out to Gandhiji—"It seems to me inevitable that modern means of transport as well as many other modern developments must continue and be developed. There is no way out of it except to have them. If that is so, inevitably a measure of heavy industry exists. How far that will fit in with a purely village society? .....I do not think it is possible for India to be really independent, unless she is a technically advanced country", and finally he expressed his fundamental difference with Gandhiji—"It is 38 years since Hind Swaraj was written. The world has completely changed since then, possibly in a wrong direction. In any event any consideration of these questions must keep present facts, forces and the human material we have to-day in view, otherwise it will be divorced from reality".<sup>5</sup>

Incidentally it may be observed that Gandhiji's conception of 'Gram-Swaraj' has been reiterated and echoed by Sarvodaya leaders. According to Sarvodaya conception the realisation of the village self-government—Gramraj, is postulated upon the exercise of all political authority by the inhabitants of the village. The same principle of genuine and real administration by the people themselves would operate at the district and provincial levels of administration also. Instead of being mechanical foci executing the will of central government these will be organic areas of self-government.<sup>6</sup> Sri Jayprakash Narayan also asserts that the "surest foundation of democracy in India would be the self-governing village units."<sup>7</sup>

Sri Narayan while explaining the significance of Panchayati Raj and its role in our democracy observes—"But there is still need of arousing popular enthusiasm about this measure, and of making the people realise that what was intended was not a procedural reform of the administration at the lower levels, but a political revolution of the greatest significance for the people, that in effect the intention and the attempt were to bring Swaraj to the people. This understanding and enthusiasm cannot be brought about by the development officers, but by the democratic and popular leaders of the country—irrespective of party and ideology, and by social workers and intellectual and moral leaders generally."<sup>8</sup>

Dr Viswanath Prasad Verma while writing on the 'Philosophy of Sarvodaya' particularly emphasised the special importance of the revival of true village self-government in the context of present day political situation. He observed—"The advocates of Sarvodaya are quite correct in holding that if genuine self-government or real democracy is practised at

<sup>5</sup> Nehru—'A Bunch of Old Letters'—pp. 508-509 (Letter written by Pandit Nehru to Gandhiji, October, 1945).

<sup>6</sup> Dr Viswanath Prasad Verma—'The Political Philosophy of Sarvodaya'; Quoted from Indian Journal of Political Science, p. 41. (Jan-March, 1959).

<sup>7</sup> J. P. Narayan—'Towards A New Society,' p. 99.

<sup>8</sup> J. P. Narayan—'Swaraj For The People'—pp. 7-8.



the village level then that would be the greatest bulwark against any totalitarian encroachment".<sup>9</sup>

It is, of course, doubtful whether Gandhian concept of 'Village Panchayat'—replica of the ancient Indian village institutions, termed 'little autonomous Republics' by Sir Charles Metcalfe (1830) and others, can be re-established any more in modern India of our time. In ancient India the little Republics were possible due to the conditions prevailing then as stated earlier. Today in the context of changed economic situation in the country and in view of the modern technological development revival of the ancient village Republics as envisaged by Sarvodaya ideal seems to be hardly possible.

But even though not possible Sarvodaya cannot be treated as Utopia. "The Sarvodaya is not a pull-back but a pull from behind. As such it is not likely to dethrone the centralising tendency of the technological age. It is one of the method of keeping the Leviathan State alert to the need of decentralisation of authority, to the interest of 'little Republics' and all they imply, to the interest of the man in the street. Josselyn Hennesy has rightly pointed out that Vinoba's movement gave India's exponents of conventional welfare socialism a jolt. In the economic sphere, the nation's planners have to think in terms of the immediate needs of the village poor and to act accordingly".<sup>10</sup>

Incidentally it may be mentioned that Sri J. P. Narayan, an exponent of Sarvodaya ideal, made certain suggestions for the success of Panchayati Raj. Some of them are worth quoting :-

1. Education of the people, understood in the widest sense of the term, is an essential condition for the success of the experiment.
2. Political parties should refrain from interfering with the Panchayati-raj movement. These institutions should be directly controlled by the people.
3. There should be a real devolution of power and not a make-belief. There is need for sincerity, imagination and courage. The people must be trusted. It is necessary that the people are prepared, and given full opportunity to shoulder responsibility.
4. It is imperative that at each level the local authority should be given its own minimum resources. If control of resources remains in the hands

<sup>9</sup> Dr Viswanath Prasad Verma—'The Political Philosophy Of Sarvodaya' (Indian Journal of Political Science, Jan-March, 1959). p. 41.

<sup>10</sup> Dr Ganesh Prasad—'Sarvodaya a Critical Study', The Indian Journal of Political Science, Jan-March, 1960. p. 60.



of the State Government the devolution is bound to be rather nominal.

5. Panchayati-raj should be able as soon as possible to exercise real authority over the civil servants under its charge, who should be held accountable to it. .... There should be provision for necessary justice and security of services and freedom so that civil servants may perform duties without improper interference.

6. The strength and vitality of the whole structure depends upon the proper constitution of Gram Sabha. It is the statutory collective body of the entire adult members of the village community.

Sri Narayan also suggested that after the necessary Acts and Rules have been passed by the proper authorities, their working should be placed under the care and control of an autonomous body of the kind of the Public Service Commission, the Election Commission, the Universities Grants Commission etc.

### *Rabindranath on Rural Reconstruction and Village Government*

In discussions on rural development and village reconstruction problems we generally recall the services rendered by our National leaders. Hardly however the name of Rabindranath is mentioned in these discussions. But it is felt that in order to examine the growth of rural self-governing institutions as also to study the stages of rural reconstruction work undertaken in different periods, particularly in Bengal, the contributions of Tagore need to be properly assessed and appreciated. He not only advocated in his works (Books, pamphlets and in letters) for a healthy rural self-governing institution (Pallisamaj) on modern scientific lines but also tried to work it out in his own limited capacity. It may be remembered that Tagore's conception of 'Pallisamaj' was part and parcel of his historic document in regard to 'Swadeshi Samaj'. Tagore presented the 'blue print' of his great idea before an august assembly at the Minerva Theatre in Calcutta on 22nd July, 1904. The meeting was presided over by the eminent historian-civilian, Mr Ramesh Dutta. At the request of his friends Tagore read the article for a second time on 31st July, 1904.

Before analysing Tagore's conception of Pallisamaj as stated in his document we should bear in mind the socio-political thinking of the period. It was the first decade of the 20th century vibrating with the ideas of Renaissance and Nationalism. Prior to that a quarter of a century was devoted for the awakening and re-birth of a decadent people suffering under the vicious rule of an imperial master. During the period Self-Government



and Home Rule were the pivotal slogans of the liberation movement sponsored by the then Indian National Congress which was founded in 1885 and also by others. Some liberal responses and promises were also there. The historic Resolution of Lord Ripon in regard to 'local self-government' had set in the inspiration of modernising the mufasil towns and re-constructing the villages of Bengal. Gandhiji had not yet made his appearance in Indian politics. 'Hind Swaraj' had yet to be born. In the surrounding realm charged with the emotional slogan of 'Bande Mataram' and acute hatred against 'British Raj' Tagore made his realistic approach.

On the question of local self-government we get particular emphasis in the writings and speeches of Ram Gopal Ghose, Rastraguru Surendra Nath, Bepin Chandra Pal and Rabindranath. Perhaps we shall not be far wrong if we say that Tagore made a distinct and positive approach in the matter.

### *Pallisamaj*

It is interesting to note that apart from giving elaborate ideas of his concept of 'Swadeshi Samaj', Tagore meticulously tried to define the aims and objectives as also the constitution of his proposed Swadeshi Samaj including the 'Pallisamaj'. He had no confusion in regard to his objectives. While explaining the inner meanings of the proposed Swadeshi Samaj, Tagore found out the basic similarity of the life and society of ancient China with India. He observed—"In the early period we find, both in China as well as in India, society and social control were strong—the monarchy had a secondary role. The Nation really prospered and protected itself by the combined forces of the society. It was the society which provided justice, made arrangements for drinking water, supplied food to the starving people, built temples for the devotees, punished the offenders and showed regards to the great. It was by the society that the integrity of the nation and its outer form were maintained in the villages".<sup>11</sup>

Tagore further pointed out that during all this period society protected itself and maintained its cohesion. There were foreign aggressions. Intermittent civil wars were also there. But the normal functioning of the society remained undisturbed since people's essential functions were under its control.

Tagore further stated—"It was only during the Western rule that this inner strength of India was destroyed. This new alien master dominated our swamaj and society that continued its existence inside the villages. The greatest blow that struck at our society was that we completely lost ourselves. Instead of ruling ourselves we were destined to depend on the mercy of others for our living".<sup>12</sup>

<sup>11</sup> Tagore—'Swadeshi Samaj' (Bengali) pp. 1-2.

<sup>12</sup> Ibid. p. 4.



It has already been observed that Tagore's approach to self-rule and rural reconstruction were completely different from that of the contemporary social reformers. The main theme on which he worked out to build up his proposed Samaj was self-reliance and self-sacrifice. In this he was perhaps guided by the Bhagabat Gita's teachings on Karma. In conclusion of his second discourse on 'Swadeshi Samaj' he observed—"We have to work with impassive and un-intoxicated mind. .... Every one of us should perform in our small capacity towards our duties of the country. I suggest every one should sacrifice something in his home every day for the Motherland so that the total saving might be used in future".<sup>13</sup>

Tagore's approach to the concept of Local Government emanated from his basic belief that right to self-government is inherent within us. No one can take it away. For undertaking self-government work there is no necessity of stamping ourselves as agencies of a government.

#### *Analysis of Tagore's Pallisamaj*

Tagore had provided the following four-fold functions for his Pallisamaj. They are :-

1. Rural justice through arbitration ;
2. Imparting education—including cultural and moral ;
3. Provision for economic activities like improvement of agriculture, training in agricultural farming and animal husbandary, sponsoring swadeshi and cottage-cum-home industries etc. ;
4. Undertaking civic functions.

It is important to bear in mind that though drafted about 69 years ago Tagore assigned a specific role to women so that they might earn their own living and if required might shoulder the burden of their families.

In regard to sources of revenue for his 'Samaj' he suggested (a) voluntary contribution and (b) Issarbritti. 'Issarbritti' was some sort of voluntary toll or contribution collected daily or weekly from the village traders and businessmen for celebrating religious and other social activities. It was expected that every one should contribute something for conducting the activities of the Samaj, apart from contributions made by litigants who would appear for settlement of their disputes before the Samaj.

Tagore was convinced that once the Pallisamaj started its work there would be no dearth of funds.

<sup>13</sup> Rabindra Rachanabali, (Bengali) Vol. 12. p. 773.



*Observations*

The ideal that he held before the rural communities was modern in spirit and co-operative in activity. He wrote — “Villages must be infused with life which is neither trivial nor narrow ; which neither dwarfs human nature nor keeps it in darkness. ....I want our villages to enjoy full human dignity and wealth instead of being content with the leavings and surplus of the towns”.<sup>14</sup>

His insistence on mass contact, the need for co-operative activities for the solution of India's grave economic problems, the utilisation of India's traditional rural institutions like melas and jattras for rousing popular consciousness and mass enjoyment were not properly appreciated during the early stages of the Swadeshi Movement. Some criticised him as moderate and conservative but in the light of later developments it was proved that Tagore was not wrong in his approach.

Dr Sasadhar Sinha was perhaps right when he observed that Tagore was pioneer in placing a constructive programme before the country for re-building rural economy in the most turbulent period of our national life. “In a real sense, therefore, this may be called the beginning of the constructive phase in India's national struggle. By stressing the paramount need for the rehabilitation of the rural economy of India, he not only gave proof of his keen historical acumen, but also helped to bring into relief the crucial importance of one aspect of India's social structure which held the key to the solution of the country's future”.<sup>15</sup>

*Village Reconstruction Work*

It has already been indicated that Tagore's approach to ‘village reconstruction’ and ‘village upliftment’ was distinct from that of others. It was neither a scrappy and emotional approach nor a temporary fantasy of the poet's mind. It was part of his life's mission. He visualised his programme of the revival of villages, constantly harped on this and actually worked it out in his life time. In 1905 during the most emotional and exciting period of Bengal's national movement, Tagore once again placed his constructive programme before the people. He said—“Without further hesitation we must therefore take the Government of the country in our own hands. We must revive our own Panchayat before the grip of an official system begins to stifle our village life. We ourselves should protect the peasants, educate their children, improve our agriculture, look after village health and sanitation and save both the Zemindar and his tenants from ruinous

<sup>14</sup> Dr Sasadhar Sinha—‘Tagore's Approach to Social Problems’ pp. 35-36.

<sup>15</sup> Ibid, pp. 96-97.



law suits. Let us not even think of accepting help from authorities, for to accept such help could only mean an invitation to the powerful, to intrude upon the right of the weak".<sup>16</sup> But his preachings were not heeded. It was a moment of great excitement and emotion containing a good deal of froth and foam. But Tagore did not leave his path.

In 1908 at the Pabna Provincial Conference he again re-iterated his village constructive programme. He suggested the creation of village Unions (Mandali), each with an executive body of its own to guide all activities in villages and provide for the essentials of village life. In this way, he thought the spirit of self-government would spread all over the country. Villagers should be trained, encouraged and assisted to establish primary schools, schools for crafts, paddy stores, co-operative stores and banks. In addition each Union should have its assembly hall where people could gather both for work and enjoyment and where responsible members of the executive could settle all quarrels through arbitration.

Tagore felt the need for collective enterprise in villages. He was also in favour of 'mechanising' agriculture and he was fully conscious that it would be only possible if collective cultivation was introduced through the initiative of the Union executive.

Tagore started his rural work in his Zemindary at Silaidah and Patisar (now in Bangladesh) along with the publication of 'Swadeshi Samaj' (1904). "Silaidah in the district of Nadia was selected as the centre for his first experiment. A sort of nucleus for rural work was already there. An agricultural bank had been founded (about 1893-94) to advance loans, particularly seasonal, to the cultivators on reasonable rates of interest. A primary school for village boys had been in existence. Workers and villagers co-operated in carrying out such work as repairing roads and drains, excavating tanks, clearing jungles". "A weaving school was established at Kustia. Great efforts were made to stimulate this cottage industry. In order to improve the economic condition of the tenants..... several new businesses were introduced at Kustia".<sup>17</sup>

Tagore's interest in rural reconstruction work can further be understood from a letter written to Lady Abala Bose in 1908. Tagore wrote— "At present I am pre-occupied with the problems of our village society. I have made up my mind to provide an example of rural reconstruction work in our own Zemindary. A few boys from East Bengal have volunteered for the purpose. They live in villages in the midst of the people and

<sup>16</sup> Dr Sudhir Sen—'Rabindranath Tagore on Rural Reconstruction' pp. 21-22.

<sup>17</sup> Ibid—pp. 92-94.



are trying to organise the villagers so that they may themselves make provision for their own education and sanitation, for the settlement of dispute, etc. The workers have initiated such public works as the repair of roads and paths, excavation of tanks, cutting drains and clearing jungles. A deep despair now pervades rural life all over the country, so much so that high-sounding phrases like home-rule, autonomy etc. appear to me almost ridiculous and I feel ashamed even to utter them.”<sup>18</sup>

Tagore's reconstruction work could not proceed much during the war years '1914—1918' and even some time afterwards. It was again revived in 1921. The venue was 'Surul' (Dt. Birbhum) close to Sriniketan (Birbhum). A plot of land had already been purchased there by Tagore for the purpose. The village upliftment work was started at Surul under the able guidance of late Kalimohan Ghosh and the British social worker Mr L. K. Elmhirst (a close admirer of Tagore). The work in Surul had a far-reaching importance. It inspired the local village people to undertake village reconstruction work in a new spirit. Further with the creation of different branches of reconstruction work and with the setting up of rural co-operatives (both credit and non-credit) and finally with the foundation of the Rural Research Institute Tagore's vision of new village life was partly realised. 'The work in Surul is a work of creation'—this idea was observed in many of his writings. In 1939 Tagore wrote to Leonard Elmhirst—"My path, as you know, lies in the domain of quiet, integral action and thought ; my units must be few and small, and I can face human problems in relation to some basic village or cultural area. .... I stick to my work in Sriniketan hoping that our efforts will touch the heart of our village neighbours and help them in re-asserting themselves in a new social order. If we can give a start to a few villages they would perhaps be an inspiration to some others and my life work will have been done".<sup>19</sup> Tagore's efforts were not all in vain. While sponsoring the Panchayat system in West Bengal, the spokesmen of the Government more than once claimed that they were largely inspired by Tagore in their great efforts. Of course, Tagore's concept of Pallisamaj differs fundamentally from that of the Panchayati system envisaged by the West Bengal Government. Rather Tagore's idea had great similarity with Gandhian concept of village Panchayat. But he had differences with Gandhiji also. He had no hesitation in introducing modern scientific methods in Indian agriculture. He was one of the pioneers in adoption of co-operative farming. It is heartening to note that Tagore's preachings have largely influenced subsequent workers in the village uplift work.

<sup>18</sup> Dr Sudhir Sen—'Rabindranath Tagore on Rural Reconstruction' (Appendix, pp. 115-116).

<sup>19</sup> 'Rabindranath Tagore and Sriniketan' by L. K. Elmhirst. (Letter from Tagore to Elmhirst on 27.12.39), Quoted from Visva Bharati Quarterly, Vol 24. 1958.



## CHAPTER - VI

### WEST BENGAL PANCHAYAT ACT, 1957

We now come to the discussion of the next stage of the self-governing institution in West Bengal that was introduced in January 24, 1957. It may also be recalled that considerable time was taken for the passage and final adoption of the 'West Bengal Panchayat Bill, 1956, (the Act was renamed after an amendment) in the Legislature. The purpose of the Bill was stated in the short 'Statement of object and Reasons' published in the Calcutta Gazette on 23.8.55. It reads :- "It is proposed to build up a system of Village Panchayats with a view to enabling them to function as units of self-government and to vest them with the powers and duties necessary for the management of village affairs and to entrust them with the powers of taxation necessary for that purpose.<sup>1</sup> The different structures of the new Panchayat body like Gram Sabha, Gram Panchayat, Anchal Panchayat and Nyaya Panchayat (Justice) were also stated in the Bill.

The Bill was subsequently referred to a Joint Select Committee comprising 28 members of both the Houses of the State Legislature. There were twenty-two Congress members and six opposition members in the Committee. (The opposition consisted of C.P.I.-2, P.S.P.-1, Forward Block-1, Hindu Mahasabha-1 and Independent-1). The Committee was headed by the then Local Self-Government Minister, Sri Iswar Das Jalan. The Joint Select Committee submitted its report on 14.2.56. It is interesting to note that out of the 28 members that constituted the Committee, 3 did not sign the report. These three were Sri Bibhuti Bhusan Ghosh (belonging to Forward Block), Sri Bankim Mukherjee and Sri Ajit Bose (C.P.I.). Three members belonging to the opposition party submitted dissenting notes. In regard to the dissenting notes, the note submitted by Sri Sudhir Chandra Das (P.S.P.) deserves special mentioning. (Prof. K. P. Chattopadhyay, M.L.C. (Independent member) in his dissenting note of one line only suggested a minor change. Sri Sudhir Das M.L.A. made the following observations in his dissenting note :-

(1) In the proposed Panchayat Bill special responsibility and power have been entrusted to the Anchal Panchayat. It has been given full authority in matters of taxation and distribution of funds to the Gram Panchayats. But curiously this body will be indirectly elected by the Gram Panchayat and not by the village people. This is undemocratic.

<sup>1</sup> Calcutta Gazette, p. 1295. 23.8.55.



(2) There is no provision in the Bill in regard to voting by secret ballot.

(3) There is no clear cut provision of funds. Taxes are provided. But it is doubtful whether village people will be able to bear any more additional burden. If Panchayats have to function properly these should be provided with distinct resources—preferably in the nature of grants.

(4) Government control and interference should be as limited as possible. Panchayat executives should be removed by the people and not by the Panchayat bodies and the Government. (Prescribed authority).

*Salient features of the West Bengal Panchayat Act, 1957*

Prior to the detailed discussion of the Panchayat Act, 1957, it is intended to study the broad features of the new Act indicating the 'special distinctions' that have been introduced compared to the Village Self-Government Act, 1919. The features are :-

1. "The West Bengal Panchayat Act, 1957" comprises altogether 120 Sections divided into three parts. Part I deals with the administration of Gram Panchayat having 10 chapters in it. Part II deals with the Nyaya Panchayat, the Judicial system. Part III deals with the miscellaneous item (Rule making power of the State Government). In Part I a two-tier Panchayat structure has been provided. Apart from the basic body, the Gram Sabha, the two executive organs are Gram Panchayat and Anchal Panchayat.

2. The Act is undoubtedly an advancement in the progress towards village self-government in West Bengal having provisions for (a) Rural civics ; (b) Rural justice ; (c) Rural police ; and lastly (d) Rural development work. It may be mentioned that in the old Act there was no provision for development work.

3. It is observed that for the first time adult franchise has been introduced in the rural administration of Bengal. The constitution of the old Act was based on restricted franchise.

4. Gram Sabha is a distinct feature of the Panchayat Act, 1957. It is the 'Village assembly'—the matrix, on which the foundation of the new village self-governing institution will have to be built up. Gram Sabha, it may be remembered, is the only structure where 'direct democracy' is possible in this vast democratic State. No such institution was ever visualised in the early British Acts from 1870 to 1919.



5. Gram Panchayat is the executive of the Gram Sabha. Compared to the previous village body, the Union Board, it comprises a small area and a small number of population (on an average a Gram Panchayat covers 1.5 village area and a population ranging from 700 to 1200). In contrast to the Union Board it has no power of self-taxation. On the other hand for the first time, apart from civic functions, development and rural reconstruction functions have been assigned to this body.

6. Anchal Panchayat is an innovation of the West Bengal Panchayat Act. It is an additional tier located at a level between the Block and the village. In area and population it is more synonymous with the Union Board of the past period. It has no development functions—on the other hand it has to look after rural police, rural finance and rural justice.

7. Unlike the previous Act (Village Self-Government Act, 1919) in the present Act rural justice has been vested in a separate body i.e. Nyaya Panchayat. It is elected by the Anchal Panchayat. It has to deal with petty civil and criminal cases.

8. Tax structure and financial provisions though improved are still inadequate and unsatisfactory.

9. Executives are all elected. In the Gram Panchayat stage there is provision for direct election. In the other stages election is indirect.

10. Government control has been retained in the matter of approval of budget, supersession of Panchayat bodies and in the removal of Executives.

We have already discussed the basic features of the new self-governing Act of West Bengal. The Act came into operation on the 24th January, 1957. As per provision of the Act only Section 1 with its two sub-sections (short title, extent and commencement) came into force at once. Other sections of the Act were introduced in areas and dates determined by the State Government.

It may also be mentioned that the purpose of the Act is to establish Panchayats in rural areas of West Bengal in place of the existing village local self-governing institutions, the Union Board and the Union Committees under Village Self-Government Act, 1919 and the Local Self-Government Act, 1885 respectively. The Act further provides that the West Bengal Panchayat Act, 1957 is applicable for the whole of West Bengal excepting the areas covered by Corporations (Calcutta and Chandernagore), Municipalities and Cantonments.



*Gram Sabha\**

In the structural arrangement of the Act, the Gram Sabha comes first. It is the basic body on which the entire fabric of the village panchayat has to be built up. But the State Government is to constitute the Gram Sabha and to determine its area, name and extent of jurisdiction.

As regards its composition it is provided that "Every Gram Sabha shall consist of all persons whose names are included in the electoral roll of the West Bengal Legislative Assembly for the time being in force pertaining to the area for which the Gram Sabha has been constituted".<sup>2</sup>

It is thus observed that the voters' list of a Gram Sabha is the same as that of the State Assembly voters' list of the area concerned. It is also apparant that a resident of the village concerned cannot be an automatic member of the Gram Sabha unless his name is included in the Assembly voters' list. It is also understood that the Gram Sabha has no role to prepare or publish its voters' list. It is exclusively left to the specific authorities in the matter.

Incidentally it may be mentioned that in the 'Bihar Panchayat Act' the voters' list is prepared at the instance of the Panchayat and the voters' list thus prepared is not identical with that of the 'electoral Roll' of the Assembly. In the 'Uttar Pradesh Panchayati Raj Act' all the adult members of the village are elligible to be members of the Gram Sabha but the voters' list is to be prepared by the 'prescribed authority'.

It may also be recalled that for the first time the principle of adult franchise has been introduced in the rural self-governing bodies of West Bengal. Under the 'Village Self-Government Act, 1919' the franchise was restricted. In the Union Board system a person of 21 years of age and having a place of residence within the union and who also paid a certain sum either as cess or union rate or who had certain academic qualifications or was a member of a joint undivided family was entitled to be a voter of an/Union Board. It may further be mentioned that due to historical reasons the system of adult franchise was introduced in 1955 for the first time in the constitution of 'Chandernagore Corporation' under the 'Chandernagore Municipal Act, 1955'. This system has since been introduced in the rest of the urban local bodies of the State in 1966.

\*Entire provisions in regard to Gram Sabha have been omitted in the West Bengal Panchayat Bill, 1973.

2. Sec. 7 (1) and (2) of the W. B. Panchayat Act, 1957.



*Powers and Functions*

Under the West Bengal Panchayat Act, 1957 as has been noted earlier the Gram-Sabha is a statutory general body. But it has no executive functions. It is only a deliberative and a recommendatory body. But even as a recommendatory body certain functions and duties have been entrusted to this general body. The functions and duties as noticed in the 'Act' and 'Rules' are :-

- (1) To assemble at meetings ;
- (2) To convene requisition meetings, if required, as per procedure laid down in the Act ;
- (3) To consider the Budget, annual report and future programme of the Village Panchayat and 'to give directions as it may deem necessary';
- (4) To elect the Gram Panchayat, the executive body of the Panchayat for a period of four years ;
- (5) Apart from the said functions, the members have the right to be elected as members of the Anchal Panchayat and Nyaya Panchayat respectively. The members have also statutory right to ask for information on all matters relating to administration ;
- (6) Under the Act it has also power to give views in regard to alteration (exclusion, inclusion, division and also revision of the area of the Gram Sabha) of its area by the State Government.

With regard to the functions stated above it is apparent that the most important functions (apart from electing the Panchayat) are the 'statutory meetings' of the Gram Sabha. This may be termed as 'village assembly session' (one day session at each occasion) of the Gram Sabha. The Act provides—'Every Gram Sabha shall hold one annual and one half-yearly general meeting'.<sup>3</sup> The agenda to be discussed in such meetings are also stated :-

"The Gram Sabha shall (a) at the 'Annual General Meeting'

- (i) consider the Budget for the following year ;
- (ii) consider the report submitted by the Gram Panchayat on the work done during the previous year and the work proposed to be done during the following year, and give such directions as it may deem necessary, and

<sup>3</sup> Sec 8 (1) of the W. B. Panchayat Act, 1957



- (iii) transact such other business as may be prescribed. (b) At the Half-Yearly General Meeting, transact such business as may be prescribed.<sup>4</sup> Apart from these statutory meetings there is also provision for extra-ordinary meetings convened by the Adhyaksha of the Gram Panchayat himself and 'requisition meetings' if and when convened by the Gram Sabha members themselves as per procedure laid down in the Act.

There is also provision of a quorum. In the Gram Sabha meetings the presence of at least one-tenth of the total number of members of the Gram Sabha will be required. But it is learnt that in majority of the Gram Sabhas meetings could not be held on fixed dates due to absence of quorum\*.

The Act of course provides that 'in absence of proper quorum the meeting of the Gram Sabha shall be adjourned to a date within one month and the date of such adjourned meeting shall be announced by the presiding person. Proper notices of such meeting shall be required and no new item shall be allowed to be taken up'.<sup>5</sup>

### *Comments*

It is observed that the holding of the annual and half-yearly meetings and the agenda to be placed in such meetings are mandatory on the part of the Gram Panchayat, the executive body of the Panchayat. That is the significance of 'shall' as stated in section 8 (1) and (2) of Act. The Act also states that either the Adhyaksha or Upadhyaksha shall preside at such meetings. In their absence the Gram Sabha shall elect in the manner prescribed one of the members present at the meeting to preside.

Although these meetings are imperative it is not clear from the Act the fate of such 'Budget' and 'Annual report' in case these are not being approved by the Gram Sabha. Similarly while the Act provides that the 'Gram Sabha shall give directions to the Gram Panchayat, as it may deem necessary' it is silent over the subsequent steps. It is not clear whether it is imperative for the Gram Panchayat to modify or to revise the 'Annual report' or the 'Programme of work to be taken up next year' in the light of these recommendations. There is also no provision for re-submission of such report or budget in the Gram Sabha meetings. With regard to the

<sup>4</sup> Sec 9 (1) of the W. B. Panchayat Act, 1957

\*The author had the opportunity of visiting about 35 Village Panchayats in 1964-65 in the districts of Burdwan, Birbhum, Hooghly and Nadia. On enquiry it was learnt that excepting one or two Panchayat such 'annual' or 'half-yearly' meetings could not be held on scheduled dates due to lac of quorum.

<sup>5</sup> Section 10(2) and (3) of the W. B. Panchayat Act, 1957.



Budget estimate the 'rules' provide that the Adhyaksha shall convene a meeting of the Gram Panchayat within seven days after the meeting of the Gram Sabha and the budget shall be finalised at that meeting after re-consideration of the recommendations of the Gram Sabha.<sup>6</sup>

### *Gram Sabha in Andhra Pradesh*

In the reconstituted and revised Panchayati Raj Act, 1964 of Andhra Pradesh provision has been made for this village assembly i.e. the Gram Sabha. Other provisions of this Section of the (Section 6) Act are almost similar to those of U.P. and West Bengal excepting that the recommendations of the Gram Sabha are harmless.

As observed by Sri Ram K. Vepa : "The Gram Sabha is to meet twice a year to consider the Administration report of the Panchayat, the annual statement of accounts, the work programme proposed to be undertaken and proposals for fresh taxation. The Gram Sabha will be presided over by the Sarpanch (President of the Panchayat) but its recommendations are purely advisory".<sup>7</sup>

### *Orissa Panchayat Act*

In the Orissa Panchayat Act both in 1958 as also in the revised and amended 1964 Act there are provisions for Gram Sabha (in the old Act it was named as Palli Sabha) and its mandatory meetings. In the 1964 Act these have been made more clear and elaborate.<sup>8</sup> In the amended Act two meetings one in February and the other in the month of June, have been provided. But here again the powers of the Gram Sabha are recommendatory in nature.

### *Rajasthan Act*

Prof. Maheshwari while discussing the provisions of Gram Sabha in the amended Rajasthan Act, Sec. (23A) points out certain difficulties in convening all the members of the Gram Sabha (adult citizens) in the aforesaid meetings. His objections are :

- (1) If all the voters are to attend, this body will become unwieldy where half of the members (women) will be only silent onlookers at best.
- (2) Being ignorant and illiterate the village people will find it pretty difficult to understand and grasp the technical and complicated details of the Panchayat budget and programmes.

<sup>6</sup> Rule 137 of the West Bengal Panchayat Rules, 1958.

<sup>7</sup> Quoted from the 'Indian Journal of Public Administration, Oct-Dec. 1964. p. 694.

<sup>8</sup> Sec. 5(1) of the Orissa Gram Panchayat Act, 1964.



(3) The relationship between Panchayat and Gram Sabha is not properly rooted because the Panchayat is not constituted on the basis of joint responsibility to the Gram Sabha.

(4) Unless the true leaders of the village find their rightful place in the Panchayat, convening of frequent meetings of Gram Sabha will give rise to permanent factions in the village community.

(5) A further difficulty arises by the fact that a Panchayat usually covers more than one village. In Rajasthan out of 7394 Panchayats as many as 6375 cover more than one village and thus necessitates Gram Sabha meetings in each constituent village. Sometimes inter-village rivalries are widened and intensified because of this.<sup>9</sup>

### *Observations*

The difficulties as pointed out by Prof. Maheswari are genuine and deserve consideration. On the other hand if 'democratic decentralisation' has to be successful and if the main object of the Panchayati Raj is to make people 'conscious participators' in the working of democracy then the only way out lies in building up a strong and effective Gram Sabha. His objection in regard to participation of all 'village members' on grounds of ignorance and illiteracy is untenable since village people have sufficient common sense in understanding policy matters about agricultural production or village reconstruction programme and the adoption of the necessary financial proposals in this behalf. One does not require any specialised knowledge for their consideration.

As regards failure of attendance in the Gram Sabha meetings certain considerations are required. It may be remembered that village people in the recent past had never an opportunity to participate collectively in their local matters. They have no proper idea as to their rights and privileges in this behalf. Further, items like 'Budget' or 'Annual Report' are generally routine and procedural matters in which ordinary people generally fail to take any interest. Attempts have to be made so that people may participate in them. The date and time of the meeting also sometimes become inconvenient. In the circumstances it is not strange that these 'statutory meetings' could not secure proper quorum for the purpose. Further, the scope of the Act (particularly financial provisions are so inadequate) is so restricted that the business of the meeting fails to draw sufficient interest from the people.

### *Diwakar Committee's recommendations*

The role of the Gram Sabha in the Panchayati Raj structure has been specially investigated by a 'Study Team' (Study Team on the position of

<sup>9</sup> Quoted from 'A.I.C.C. Economic Review, Oct, 7, 1961. p. 25.



Gram Sabha in Panchayati Raj movement) in 1963. The Team felt that the Gram Panchayat should in the final analysis be held responsible to the Gram Sabha, the proper decision making body. But due to the existing circumstances where the concept of an integrated village community has not yet taken shape no hasty and premature decision should be made at this stage. People have no proper idea in regard to their rights and privileges. The Study Team also noted that the statutory meetings (where such meetings are provided in the respective State Acts) were not being held on scheduled dates due to absence of quorum. The Team also felt that in gradual process the Gram Sabha through its functioning would assume its proper role in the Panchayati Raj structures. The Committee recommended amongst others :

- (1) A statutory recognition of Gram Sabha in each State
- (2) Provision of a fixed and uniform agenda like Budget, Annual report, future Programme etc. for all Gram Sabha meetings ;
- (3) Provision for a question hour ;
- (4) Large participation of members :
- (5) Avoidance of voting procedure and decisions through consensus.

#### *Concluding Remarks*

In order to activate the Gram Sabha the following measures are suggested :-

- (a) Gram Sabha meetings should be held in rotation in each of the constituent villages. The venue in each village should however be common;
- (b) Meetings should be held preferably at a time and on a day when the villagers are not busy in their agricultural operations ;
- (c) At least some members of the higher tiers should be present in such meetings ;
- (d) A recreational programme or film show may be organised immediately after the meeting of the Gram Sabha ;
- (e) Some light refreshment may be provided for all the members attending such meeting preferably at least for the 'Annual Meeting' (This practice is already in vogue in some urban co-operative credit societies' annual general meetings) ;
- (f) Adequate steps should be taken for large-scale circulation of these meetings.



*Composition, powers and functions of Gram Panchayat.*

There is an executive for this General body (Gram Sabha) which is known as Gram Panchayat.

Its strength varies from 9 to 15. Apart from these 'elected' members there is provision in the Act for 'nominated members'. It is provided that persons possessing special qualifications, irrespective of the fact whether they are members of the Gram Sabha concerned or not, may be nominated by the State Government as members of the Gram Panchayat. But two disabilities have been imposed upon them. (I) They shall not have the right to vote, (II) They are debarred from holding office of Adhyaksha or Upadhyaksha.

Further, the number of such associates shall not exceed one-third of the total number constituting the Gram Panchayat.<sup>9</sup>

The term of office of the members, including that of the Adhyaksha and the Upadhyaksha has been fixed for four years. This term may be extended upto three years by the prescribed authority. At its first meeting the members of the Gram Panchayat elect from amongst themselves the Adhyaksha and the Upadhyaksha of the Panchayat. The nominated members cannot participate in such elections. The total number of Gram Panchayats in 1968-69 were 19662 covering to the extent of 29,470 villages. Thus on an average a Gram Panchayat covered 1.5 village areas.

*Grounds of Disqualifications.*

Sec. 15 of the Act provides 10 disqualifications for the Adhyaksha and other members of the Gram Panchayat. Gram Sabha members suffering from any of the 'disqualifications' stated below cannot also be elected or nominated as an Anchal Panchayat member (Sec. 26(1), first provision) or a Nyaya Panchayat member (Sec. 70(1) first provision) under the Act. The disqualifications are :-

(a) under 25 years of age ; or (\*a a) he is not a citizen of India ; or

\* (a a a) or he is in the service of the Central or State Government or of any of the Panchayat bodies within the district ; or

<sup>9</sup>Section 11(1), (2) and (5) of the W. B. Panchayat Act, 1957.

\* Clauses (a a) and (a a a) were inserted by S. 2 (2) of the W. B. Panchayat and Zilla Parishads (Amendment) Act, 1965.



(b) has been dismissed from the services of the Central or State Government or Local Authority for misconduct involving moral turpitude and if dismissal be made by the first two authorities he has been debarred from employment in public service ; or

(c) he has directly or indirectly any share or interest in any contract with the Gram Panchayat ; or

(d) he is an undischarged insolvent ; or

(e) he has been adjudged by a competent court to be of unsound mind ; or

(f) he being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part ; or

(g) is in arrears of any tax, toll, fee or rate due from him for the year previous to that in which the election is held.

The Act further provides that if a person is or has been convicted by a criminal court of an offence punishable with transportation or imprisonment for a period of more than six months, such persons shall not be eligible for election or appointment as Adhyaksha or Upadhyaksha or as a member of the Gram Panchayat for a period of five years from the date of expiration of the sentence.

It be further noted that the above disqualification Sec. 15(2) may be removed by the State Government on an application from the affected persons on reasonable grounds.

It is interesting to note that three of the aforesaid disqualifications namely, 'age-limit' (under 25 years) Sec. 15(a) and 'unsound mind' (Sec. 15(d)) may be compared to Articles 84 and 102 of the Indian Constitution in regard to conditions for Lok Sabha membership and basic conditions for Indian citizenship respectively.

Incidentally it may be observed that compared with some contemporary Panchayat Acts of India like Kerala, U.P. or Orissa Act the provisions of the West Bengal Panchayat Act, 1957, in this regard (disqualification) are simple, precise and somewhat liberal.

Of course the 'Orissa Panchayat Act of 1964' deserves special mentioning since the Act has debarred all holders of State and Union Ministership and members of State Legislative Assembly and Union Parliament from being elected or nominated as a Sarpanch (head of the Village Panchayat)



or even as a member of the Panchayat on ground of 'disqualification clause'.<sup>10</sup> Similarly the Act has also debarred a school teacher (under Orissa Education Code) from such membership on ground of disqualification. The Orissa Act has enumerated 17 grounds of disqualification for such membership.<sup>11</sup>

It may be remembered that under the Bengal Village Self-Government Act, 1919 there were only 3 grounds for disqualification. One of the grounds for disqualification i.e. 'conviction under an offence involving moral turpitude'<sup>12</sup> has been retained with minor modifications in the 1957 Act.

As regards voting procedure, the relevant rule provides that the voting shall be secret and by means of ballot. The system of nomination has been justified on the ground that at the initial stage of this novel experiment in Self-government the presence of outsiders may be useful as a source of guide and inspiration. But on the other hand there is genuine misgivings in the minds of the people that such nominated members may create unnecessary complications in the rural politics and they may be useful instruments in the hands of the ruling party to serve particularly party interests.

It is also noticed that while the election of the Executive Committee (Gram Panchayat) is direct, that of the office-bearers is indirect. The term of office in both cases is of course, the same. The system of election in U.P. and Punjab is direct in both cases. In U.P. although the Pradhan (head of the Gram Panchayat) is elected by the members of the Gaon Sabha for a period of five years, the Upa-Pradhan is elected by the Gaon Panchayat for a period of one year only.

In the Kerala Panchayat Act the head of the Panchayat has been termed as the President of the Panchayat. There is also provision for a 'Vice-President'. Both the President and the Vice-President are elected by the members of the Panchayat at a meeting which shall be called on any day before the date on which the new Panchayat is to assume office by the Tahsilder. The term of office of the elected members as also of the President and of the Vice-President is five years.<sup>13</sup>

It is interesting to note that unlike some of the other States in India there is no provision in the West Bengal Panchayat Act for reserving seats or associating women or persons belonging to scheduled castes in the

<sup>10</sup> The Orissa Gram Panchayat Act, 1964 (Sec. 25(1)).

<sup>11</sup> Ibid. . . . . Sec. 25(1)i.

<sup>12</sup> The Bengal Village Self-Government Act, 1919. Sec 10 A (b)

<sup>13</sup> The Kerala Panchayat Act, 1960. Sec. 23, Sec. 24(1) and 24(4).



basic Panchayat bodies. Of course, in the 'West Bengal Zilla Parishads Act, 1963', such provision has been made both at the Anchalik Parishad (Institution at the Block level) and at the Zilla Parishad. There is very poor response from the women folk of our community in these local bodies. The total number of women representatives (members) in Gram Panchayats and in the Anchal Panchayats in 1967-68 were 460 and 99 respectively.\* Widespread illiteracy and prevailing purda system are largely responsible factors for non-participation of women in local affairs.

It is further interesting to note that the response of women in the Urban Local Bodies in West Bengal is more depressing. In the 89 municipalities and 2 corporations of the State the number of women representations is barely 4 or 5.

*Adhyaksha and Upadhyaksha of the Gram Panchayat.*

The Act or Rules do not specifically enumerate any list of functions and duties of the Adhyaksha or the Upadhyaksha. Of course from analysis and scrutiny of the Panchayat Act and Rules the following functions/duties of the Adhyaksha may be enumerated. Broadly speaking they are of two types : (1) Statutory (2) Delegated. The statutory powers are : (1) The Adhyaksha shall convene all meetings of the Gram Sabha and the Gram Panchayat, including the Annual General Meeting of the Gram Sabha (to be held in January), the Half-yearly General Meeting (to be held in October), Extraordinary general meeting if and when required and Requisition meeting (if and when demanded by requisite number of members as provided in the Act) and also ordinary meetings and requisition meetings of the Gram Panchayat. He shall determine the place and time of such meetings and shall issue requisite meeting notices in this behalf. (2) The Adhyaksha shall preside over all such meetings. (3) All communications of the Gram Sabha members in regard to the aforesaid meetings, proposals or amendments, to be moved in the Annual and the Half-yearly General Meetings and questions to be raised in such meetings shall be addressed to the Adhyaksha. (4) The Adhyaksha as mentioned earlier, shall preside at the meetings of the Gram Panchayat and in case of equality of votes shall have a second or casting vote. (5) Under the 'West Bengal Panchayat Rules, 1958', the Adhyaksha has been empowered to maintain an Agenda Book in which business to be transacted in Gram Panchayat meetings' shall be entered. Notices of the agenda shall be maintained in the said book and shall be circulated amongst the members of the Panchayat before the meeting and signatures of the members shall be taken in the book.

\*In 1968-69 the number of representatives in the Gram and Anchal Panchayats were 469 and 105 respectively. ( the corresponding number of male representatives in the same year were 2,17,050 and 55,669 ).



(6) Emergency power on outbreak of epidemic. The Act has provided certain emergency powers for the Adhyaksha or the Upadhyaksha or any person authorised by the Adhyaksha during out-break of cholera or any other water borne infectious disease in any locality of the Panchayat. During the continuance of the outbreak, the Adhyaksha and other authorities in this behalf may without notice and at any time inspect and disinfect any well, tank or other places from which water is drawn for the purpose of drinking. He is further empowered to take necessary steps to prevent drawing of water from such sources.

Besides the functions stated above, the Adhyaksha may have to perform duties and powers which may be delegated to him by the Gram Panchayat with the approval of the prescribed authority. The Panchayat may also withdraw or modify these powers. (Sec. 45). It is significant that there is no provision for such delegation of powers to the Upadhyaksha.

### *Observations*

It has already been indicated that neither the Act nor the rules are very clear and specific about the functions and duties of the Adhyaksha and the Upadhyaksha of the Gram Panchayat. In other Panchayat Acts like Kerala and Orissa there have been special sections for the same. Non-mentioning of these functions and duties in the West Bengal Act may create confusions and may help in a negative manner a practice on the part of the Adhyaksha not to undertake 'responsibility' and 'independent decisions' in important village government matters. From the Act and Rules it is not clear who will send reports and communications to the higher authorities in regard to Panchayat Budget, Administrative Report and Programmes to be undertaken in the following year.

Similarly it is not clear who will issue orders and sign contracts in the village development works and other works relating to the Gram Panchayat.

Of course, while the Act is silent about the role and specific functions of the Adhyaksha it is observed from an analysis of the Act the mention of the 'Gram Panchayat' as a collective body to undertake the functions and the duties of the Panchayat. At least in two vital matters like 'preparation and submission of the Annual Report of the Panchayat to the Gram Sabha and the higher authorities' (Sec. 24) and in the 'appointment of staff and fixing their salaries' the powers have been vested in the 'Gram Panchayat' as a collective body and not in the Adhyaksha as an individual. Perhaps the purpose is to build up collective leadership in the village and to sponsor the habits of joint and co-operative working which are essential elements in a democracy.



*Functions of the Gram Panchayat*

The village Panchayat has been empowered to undertake a long list of functions covering as many as 48 items. But excepting the 'obligatory functions' (12 in numbers) the rest are either 'delegated' or 'discretionary'.

The powers and duties may be classified under three heads :

1. Obligatory.<sup>14</sup>
2. Other duties (delegated)<sup>15</sup>
3. Discretionary.<sup>16</sup>

Apart from these functions there are also the (agency functions). On a perusal of these functions it will be observed that most of the 'obligatory functions' are civic functions whereas the other functions and discretionary functions are mainly concerned with development and rural reconstruction works. The obligatory functions are :-

- (a) Sanitary, conservancy and drainage ;
- (b) Anti-epidemic measures ;
- (c) Maintenance, repair and construction of public streets and protection thereof ;
- (d) Registration of births and deaths ;
- (e) Organising voluntary labour for community works and works for the uplift of its area ;
- (f) Supply of drinking water ;
- (g) Supply of any local information to the higher authorities, when required ;
- (h) Vaccination and inoculation ;
- (i) Removal of encroachments on public streets or public places ;
- (j) The management and care of public tanks, common grazing grounds, burning ghats and public graveyards of the people ;

<sup>14</sup> Section 31 of the W. B. Panchayat Act, 1957.

<sup>15</sup> Ibid.....Sec. 32 of the Act.

<sup>16</sup> Ibid.....Sec. 33 of the Act.



- (k) Protection and repair of buildings or other property vested in it ;
- (l) Performance of such functions as may be transferred to it under Sec. 31 of the Cattle-trespass Act, 1871.

We may further classify the 'delegated and discretionary' functions under the following heads of development :-

- |                 |                             |
|-----------------|-----------------------------|
| 1. Agricultural | 3. Social and Public Health |
| 2. Economic     | 4. Cultural.                |

Particular mention may be made of the agricultural and economic functions of the Gram Panchayat. They are extremely vital in the context of development and planning of rural life of West Bengal. These are :-

- (a) Irrigation ;
- (b) Bringing waste land under cultivation ;
- (c) Cultivation of fallow lands ;
- (d) Co-operative land management ;
- (e) Assisting in the implementation of land reform measures ;
- (f) Grow more food campaign ;
- (g) Allotment of places for storing manures ;
- (h) Improved breeding of cattle and prevention of cattle diseases etc ;
- (i) Construction and regulation of markets, fairs, melas and hats ;
- (j) Planting and maintaining trees ;

#### *Economic Activities*

- (A) Introduction and promotion of co-operative farming, co-operative stores and other such enterprises ;
- (B) Promotion and encouragement of cottage industries.
- (C) Acting as a channel for government assistance to villagers ;
- (D) Assistance to agriculturists in regard to obtaining State loan, its distribution and repayment ;



No doubt the functions stated above cover different aspects of our villager's life and are also essential for a planned development of our rural society.

### *Financial resources*

These functions can never be properly implemented unless adequate funds are provided at the disposal of the Panchayat. Under the West Bengal Panchayat Act, 1957 only the Anchal Panchayat is entitled to impose taxes. The Gram Panchayat has no independent source of revenue. This is not all. The Act provides under Section 55, Sub-section 2 (d) that the Anchal Panchayat shall allot such sum to the Gram Panchayat under its jurisdiction taking into consideration :-

- (a) Amount available for distribution
- (b) Amount realised from each of the Gram Sabha within its jurisdiction as tax, fee or rate and
- (c) Amounts required by the Gram Panchayats concerned according to the budget framed by them for carrying on their duties and functions.

It can be well understood that after meeting its own expenses and that of the cost of administration of the Nyaya Panchayat and after considering that amount raised from each Gram Sabha as taxes, the Anchal Panchayat may be able to contribute only a meagre sum for the Gram Panchayat. There is also no provision of a fixed amount of land revenue as is provided in some State Acts. Under these circumstances the functions of the Gram Panchayat may only remain in paper. In the context of building up a true Panchayat system in our State the provisions of the 1957 Act are unsatisfactory and disappointing.\*

### *Observations*

It has been observed that village people in West Bengal broadly welcomed this new self-governing system of the State. For the first time in their life they had the privilege and the right to participate directly in the functioning of the State (however restricted that might be). There are various shortcomings in the Act and the Rules (pointed out earlier). It has also been indicated that compared to other Panchayat Acts in India, Village Panchayats in West Bengal under the West Bengal Panchayat Act, 1957 enjoy lesser power and scope of activities. This

\* In Chapter IX (Panchayat Finance) some concrete suggestions in regard to augmentation of Panchayat revenue have been incorporated.



has been justified since certain powers and functions have been transferred to the Anchal Panchayat, the additional tier of the State. It is further admitted that inspite of its weaknesses there are new expectations and possibilities before the people. It is also hoped that after necessary modifications of the Act and Rules (as suggested in this book) genuine self-governing institutions may be created in this State and thus pave the way for building up effective bases of our democracy.

### *Composition, functions and powers of the Anchal Panchayat*

The second executive tier in the West Bengal Panchayat System is the 'Anchal Panchayat'. It is an additional tier (not envisaged by the Mehta Committee) and in a sense is a novelty of the West Bengal Panchayat Act. It is located between the block and the village level. An Anchal Panchayat roughly covers about 7 to 10 village Panchayats having eight to ten thousand population within it. Of course, so far as population and area coverage are concerned an 'Anchal Panchayat' has a similarity with that of the 'Union Board' under the '1919 Village Self-Government Act'. But so far as its composition, powers and scope of activities are concerned it largely differs from the Union Board.

The State Government shall establish the Anchal Panchayat and shall also fix by notification the number of contiguous Gram Sabhas that should be included within each 'Anchal Panchayat'. Upto 1968-69 there were 2926 Anchal Panchayats in the State. Of them 2886 were in operation during the period. The break-up of the Anchal Panchayats in the 15 districts of the State has been shown in the Table No. III.

### *Mode of election and composition*

In the Anchal Panchayat stage the system of election is indirect. The Gram Panchayat members elect the Anchal Panchayat from amongst the members of each Gram Sabha constituted within the jurisdiction of the Anchal. In the amended Panchayat Act, 1965 it has been provided that every Anchal Panchayat shall consist of the following members :

- (1) The Adhyakshas of all Gram Panchayats within its jurisdiction as ex-officio members.
- (2) There shall be at least one member for every five hundred members of the Gram Sabha and that there shall be at least one member from every Gram Sabha.<sup>18</sup>

<sup>18</sup> Sec. 2(3) of the West Bengal Panchayat and Zilla Parishads (Amendment) Act, 1965.



Incidentally it may be observed that in the original Act (West Bengal Panchayat Act, 1957) there was no provision for 'ex-officio membership' from the category of the Adhyakshas of the the Gram Panchayats. Further, in the amended Act the representation from the Gram Sabhas has been reduced. In the original Act the Gram Panchayat members could elect one representative per 'two hundred fifty members' from Gram Sabha members and one additional member if the number of the remaining Gram Sabha members was not less than 125.<sup>19</sup> The amended Act, so far as composition is concerned, has a mixed advantage. Inclusion of the Adhyakshas of the respective Gram Panchayats, in the Anchal is definitely an improvement of the Act. An Adhyaksha by his continuous functioning as head of the Panchayat is fully conversant with the details of the Gram Sabha problems. Further, by their presence in the Anchal Panchayat, Adhyakshas will be helpful in the distribution of the Anchal Panchayat funds amongst the respective Gram Panchayats and in the revision of the Panchayat Budget which they originally drafted in the early stage. Lastly in the assessment of taxes, they can properly represent the views of their Panchayats before the other members of the Anchal Panchayat. Side by side it will be observed that by raising the membership quota from 250 to 500 the amendment has restricted peoples' representation in an important 'decision making body' like Anchal Panchayat. Large representation has a positive merit because it can reflect and accomodate different shades of opinions.

It will also be observed that there is clear direction in the Act that 'every Gram Sabha' should be represented in the Anchal.

#### *Term of Office*

Although Gram Panchayat members are elected for a specific period of four years—there is no fixed tenure of office for the Anchal Panchayat members. It is provided that the term of the office of the Anchal Panchayat members shall commence from the date of the first meeting of the Anchal Panchayat at which a quorum is present and shall extend until the first meeting of the newly constituted Anchal Panchayat where a similar quorum is present.<sup>20</sup>

#### *Pradhan and Upa-pradhan of the Anchal Panchayat*

The head of the Anchal Panchayat is called Pradhan. There is also provision for a Upa-pradhan. Both of them shall be elected by the Anchal members at their first meeting. The term of office of the Pradhan and the Upa-pradhan of the Anchal Panchayat shall be the residue of his term of office as a member of the Anchal Panchayat.

<sup>19</sup> Sec. 26(1) of the W. Bengal Panchayat Act, 1957.

<sup>20</sup> Sec. 7(d) of the W. Bengal Panchayat (Amendment) Act, 1959.



The ten disqualifications stated earlier in the case of the Gram Panchayat (Sec. 15) shall also apply in case of the Anchal Panchayat. A person can simultaneously be a member of the Gram Panchayat as also of the Anchal Panchayat.

*Powers and duties of the Anchal Panchayat*

Under the West Bengal Panchayat Act an Anchal Panchayat has two fold functions, namely statutory and delegated.

*The functions are :*

- (1) Control and administration of the Anchal Panchayat Fund ;
- (2) Imposition, assessment and collection of the taxes, rates or fees leviable under this Act ;
- (3) Maintenance and control of dafaders and chowkidars ;
- (4) Constitution and administration of the Nyaya Panchayats established under this Act ; and
- (5) Performance of such functions as may be transferred to it under Sec. 31 of the Cattle-trespass Act, 1871.

The Anchal Panchayat may also perform such duties as may be assigned to it by the State Government.<sup>21</sup>

It is thus observed that in a nutshell an Anchal Panchayat has to perform the duties of (1) village police (2) village justice and (3) supervision and control of village finance. It may also be remembered that in the West Bengal Panchayat Act, 1957 only the Anchal Panchayat has been empowered to 'assess, to impose and to collect taxes, fees etc.' The Gram Panchayat has no power and authority in this behalf. This is also a peculiarity of the Act. It is the general practice in the rest of India that the village Panchayats are authorised to impose and collect taxes. Adoption of this novel procedure is justified on the ground that Bengal had almost a similar institution in the past (the Union Board under the 'Village Self-Government Act, 1919') with power of self-taxation. Village people were accustomed with the practice. It may be recalled that just on the eve of the Second World War in 1939-40 (subsequent printed reports are not available) the Union Boards collected to the extent Rs. 80.56 lakhs as union rates. Excepting Bombay and Madras, a similar collection record is hardly available. On the other hand 'Gram Panchayat' is a new experiment. In the recent past village people

<sup>21</sup> Sec. 46(1) and (2) of the W. B. Panchayat Act, 1957.



in Bengal were never acquainted with an institution at the village level. In the circumstances and specially considering the volume of civic and development activities that were entrusted on the Gram Panchayat it was perhaps justified that at the formative stage the power of taxation had been left to the Anchal Panchayat.

Besides the administration and control of village finance, it has two other major statutory functions (there are also delegated functions entrusted by the State Government). It may also be remembered that in regard to rural justice there is provision for a separate body i.e. Nyaya Panchayat elected by the Anchal Panchayat. Apart from constituting the Nyaya Panchayat, the Anchal Panchayat meets the costs of the Nyaya Panchayat and also renders the services of its secretary and other staff (Dafadars etc.) for carrying out directions of the Vicharaks. Leaving aside the aforesaid two functions, the next major function of the Anchal Panchayat is the Village defence.

#### *Dafadars and Chowkidars*<sup>22</sup>

The Act provides that unless otherwise directed or provided by the State Government every Anchal Panchayat shall maintain under its control Dafadars and Chowkidars for general watch and ward, prevention of crime, protection of life and property and discharging all relevant functions within the jurisdiction of the Anchal.

It is further provided that the prescribed authority shall determine the number of Dafadars and Chowkidars that will be required for each Anchal Panchayat and their salaries, equipments and other service conditions.

The Act provided altogether fourteen functions and duties of the Dafadars and Chowkidars. A scrutiny of these functions will further reveal that they may be classified under three broad heads.

These are :

- (1) functions relating to village defence and village security (watch and ward, arrest of suspected persons and criminals, serving information relating to criminal offences etc.) ;
- (2) functions relating to civic affairs (reporting births and deaths, information in regard to outbreak of epidemic diseases etc.) ;
- (3) functions relating to judicial affairs like service of judicial processes etc.

<sup>22</sup> Chapter VII of the W. B. Panchayat Act, 1957.



It may be further observed that although these staff will be directly under the control of the Magistrate, there is provision in the Panchayat Rules, 1958 that the views of the Anchal Panchayat or its Pradhan will be considered in the matter of appointment, promotion, awarding and in other such matters.

Incidentally it may be observed that in the 'Village Self-Government Act, 1919' there was almost similar provision in regard to Dafadars and Chowkidars. It was provided that "the number of Dafadars and Chowkidars to be employed in a Union, the salary to be paid to them and the nature and the cost of their equipment shall be determined by the District Magistrate after consideration of the views of the Union Board".

### *Officers and servants*

There shall be a Secretary for each Anchal Panchayat. The Secretary shall function as the Executive Officer of the Anchal Panchayat. The Secretary shall frame the Budget, the annual estimate and the report of the Anchal Panchayat. Although his appointment, promotion, dismissal and others service conditions will be determined by the State Government he shall be under the general supervision of the Anchal Panchayat. Although the Act provided that the salary and allowances of the Panchayat Secretary shall be paid from the Anchal Panchayat fund, the State Government is meeting at present the entire cost of such charges.

### *Finance*

It has already been noted that under the Act the Gram Panchayat has no authority to impose, assess or collect taxes. Only the Anchal Panchayat possesses the requisite power and authority in this behalf. The 'West Bengal Panchayat Act' has empowered the Anchals to impose the following tax, rate or fees. An Anchal Panchayat shall impose yearly,—

- (1) (a) On lands and buildings within the local limits of its jurisdiction, a tax not exceeding two per centum of the annual value of such lands and buildings determined in the prescribed manner to be paid by the owners or occupiers thereof ;
- (b) On professions, trades, callings and employments carried on or held within the local limits of its jurisdiction, a tax on the basis of the total annual income accrued from such professions, trades, callings and employments, subject to a maximum of two hundred and fifty rupees per annum in respect of any one person.



(2) An Anchal Panchayat may levy the following:—

- (a) Fees on the registration of vehicles ;
  - (b) Fees on plaints, petitions and other processes ;
  - (c) Fees for providing sanitary arrangements at places of worship or pilgrimage ;
  - (d) Water rate
  - (e) Light rate
  - (f) Conservancy rate<sup>23</sup>
- } If such arrangements are provided.

It is noticed that in West Bengal excepting the property tax and profession tax all other taxes and fees are voluntary in nature. Also the sources of revenue stated above are mostly 'inelastic' in character. There is also reluctance on the part of the executives to levy those fees or rates which are not compulsory in nature. It is doubtful how the Panchayat bodies with limited sources of revenue may undertake genuine development and nation-building work without substantial grants and assistance from the State Government.

Incidentally we reproduce some observations of the 'Santhanam Committee' with regard to Panchayat finances—"We hold that levy of at least a few compulsory taxes is essential not only to ensure every Panchayat a small income from its own resources but also to emphasise the fact that it is a self-government body. House tax, profession tax and vehicle tax are eminently suitable for the purpose"<sup>24</sup>.

### *Observations*

It has already been pointed out that the Anchal Panchayat is a peculiar innovation of the West Bengal Panchayat Act, 1957. No other State has evolved such a stage. Neither the Mehta Committee suggested such a tier. It was justified on the grounds that abolition of the Union Boards, would create a void which can hardly be replaced by any institution at the village level. Further, compared to other States rural people in West Bengal did not enjoy so long any comparable institution at the village level. As such any drastic change at the initial stage would be harmful and might frustrate the very purpose for which these institutions were created. West Bengal Government had sufficient doubts whether devolution of power and setting up

<sup>23</sup> Sec. 2(7) (a) of the W. B. Panchayat and Zilla Parishads (Amendment) Act, 1965.

<sup>24</sup> Report of the Study Team on Panchayati Raj Finances, 1963. Part—1. p. 11.



of Panchayati Raj in West Bengal should follow precisely the all-India pattern. Perhaps these points were responsible for introducing Panchayati Raj in West Bengal at two distinct stages, having certain time gap between the two. On the other hand the creation of this additional tier between the 'Block' and the 'Village' had been severely questioned by the critics regarding the genuineness of devolution of power and authority by the Government to the people. In a nutshell the functions of the Anchal Panchayat are 'rural police', 'rural finance' and 'rural justice'. Over and above the Anchal had an important say over the Gram Panchayat budget. The funds of the Gram Panchayat were distributed through the Anchal. It has been suggested that, by and large, the leadership of the village has been invested in the Anchal than in the village Panchayat.

It has already been pointed out that there are misgivings and controversy in regard to the provision of this additional tier in the West Bengal Panchayat system. But no evaluation has yet been made about its contribution so far, and whether any modification of its structure is required or not. In 1964-65 the present author conducted a small survey in some selected Panchayats on the composition, utility and justification of the further retention of the Anchal Panchayat in the Panchayat system of this State. The report of the survey is interesting. A detailed report of the Survey along with the questionnaire has been incorporated in Annexure-1 of the present discourse. It has already been stated that the Gram Panchayat members elect the Anchal Panchayat (indirect election). It is feared that provision of indirect election at such an important decision-making body paves the way for coterie rule and undermines the capacity of the Gram Sabha.

It may also be mentioned that the 'Anchals' as constituted at present are rendering useful and important services to the people. Two extremely delicate functions are being handled by them. These are—1) Determination, imposition and collection of taxes, fees or rates, 2) Distribution of funds amongst the different Panchayats that constitute the Anchal. An elected body generally feels shy and hesitant in the matter of raising revenues from the people. The task is further difficult and complicated where the fund (inadequate and limited in the context of requirements) has to be distributed amongst the units on the basis of their needs. Any curtailment of the budgetary demand is a delicate task. It can be rightly appreciated that transfer of these duties and functions in addition to supervision and management of village defence measures to the Anchal Panchayats have not only relieved the Panchayats from these arduous tasks but may also help them in becoming more effective in the matter of civic and development activities.



Santhanam Committee further felt that these Anchals may be entrusted with development activities where such functions could not be undertaken by village Panchayats due to financial incapacity. The Committee observed —“the constitution of small hamlets with a population of a few hundred into statutory village Panchayats does, in our view, incapacitate them to make any effective progress. If such small Panchayats are considered unavoidable the constitution of Anchal Panchayats as in West Bengal consisting of small village Panchayats, pooling staff and funds of such Anchal Panchayats and using the Gram Panchayats as agencies for local development may provide a possible solution”.<sup>25</sup>

### *Rural-Urban Co-ordination*

The growth of Panchayati Raj has necessitated development of closer relation and co-ordinated activities with adjoining urban civic bodies. In West Bengal this can be developed with less complication at the Anchal Panchayat stage. It may also be remembered that there are municipal towns in West Bengal having strong rural-bias and a population coverage ranging between eight to fifteen thousand. These municipalities are mostly economically non-viable and can hardly render any useful services to their civic population. It is suggested that a new type of urban bodies may be created by amalgamating these municipal areas with the adjoining ‘Anchal Panchayats’. They may be called ‘Anchal Towns’ like ‘Panchayat towns’ in Gujarat. It is further suggested that these rural-cum-urban bodies may be allowed to undertake agricultural farming, cottage and village industries and such other activities which may make them economically strong and viable. Thus Anchal Panchayats may open a new road before our local self-government and thereby fully justify their existence.

<sup>25</sup> Quoted from the ‘Report of the Rural-Urban Relationship Committee, 1966 Vol. I, pp. 41-42.



## CHAPTER — VII

### WEST BENGAL ZILLA PARISHADS ACT, 1963

With the implementation of the 'West Bengal Zilla Parishads Act, 1963' and the subsequent setting up of the respective bodies at the Block and district level the process of the Panchayatiraj has been completed in this State. It has already been noted that the Panchayatiraj in West Bengal has come into operation through the medium of two distinct Acts. But it is obvious that it is an integrated scheme and there is close link between the basic and the higher bodies as envisaged by the Mehta Committee. It is also natural that there might be variations in the structures and functioning of the Acts from State to State though agreeing with the fundamentals of 'Democratic decentralisation'.

It may be recalled that the rural self-government Act which was introduced in 1885 in West Bengal (Properly speaking in Bengal, Bihar and Orissa) based on the historic resolution of Lord Ripon was to some extent wrongly drafted and vitiated the very purpose of the self-government and the participation of the people in these activities.

The District Administrative report in 1912-13 rightly observed—"We think that it was a mistake to make the District Board the administrative unit of local self-government and to leave the smaller bodies dependent on its charity and with no clearly defined position in the general scheme. This was to begin local self-government at the wrong end, for the system ought to start from the bottom and work up, as was originally intended in 1883 rather than from the top and work down".<sup>1</sup>

During the last 78 years while important changes were made in the 'Bengal Act III of 1885' and its subsidiary bodies and Acts the strong edifice of rural Government in this State rested primarily in the District Board.

In the background of this erstwhile picture it has to be closely examined how far the basic principles of 'Democratic decentralisation of power' have been implemented in the present Act (West Bengal Zilla Parishads Act) proper and in its functioning.

The Act begins with the short preamble—"An Act to provide for the remodelling of Local Government with a view to associating the local authorities with development activities and bringing about democratic decentralisation and people's participation in planning and development".

<sup>1</sup> District Administration Report. p. 83.



Thus an analysis of the Preamble indicates three objectives of the new Act. They are :-

- a. Associating local bodies with development activities;
- b. Bringing about democratic decentralisation;
- c. People's participation in planning and development.

Compared to the West Bengal Zilla Parishads Act, 1963 the preamble of the 'Maharashtra Zilla Parishads and Panchayat Samities Act, 1961' is more elaborate and precise. Significant points of the said preamble may be mentioned below :-

1. To establish Zilla Parishads and Panchayat Samities in rural areas ;
2. To assign to these bodies local government functions ;
3. To entrust these bodies with the execution of certain works and development schemes of Five-Year Plans ;
4. To provide for decentralisation of powers and functions to those local bodies for the purpose of promoting development of democratic institutions ; and
5. To provide for securing greater measure of people's participation in the *said* Plans and in local and governmental affairs.<sup>2</sup>

Leaving aside the preliminaries (Part-I), the West Bengal Act covers altogether four parts consisting of 118 Sections and 2 schedules. While Part-II of the Act exclusively deals with the Zilla Parishad, the constitution, powers and functions of the Anchalik Parishad (institution at the Block level) have been covered by part-III of the Act and the rest by the miscellaneous portion.

#### *Constitution of the Zilla Parishad*

Section 3(1) provides that there shall be a Zilla Parishad for each district and it shall bear the name of the district. Further it shall be 'a body corporate having perpetual succession'. With regard to the composition of the Zilla Parishad it is provided that it shall consist of 4 categories of members :-<sup>3</sup>

- (1) Ex-officio, (2) Elected, (3) Appointed, (4) Associate.

<sup>2</sup> The Maharashtra Zilla Parishads and Panchayat Samities Act, 1961, Preamble.

<sup>3</sup> Section 4 of the W. B. Zilla Parishads Act, 1963.



The ex-officio category shall consist firstly all presidents of the Anchalik Parishads (Organisations at the Block level) within the district. Secondly, it shall include all members of the Lok Sabha and the State Legislative Assembly who have been elected from any constituency in the district. The members of the Rajya Sabha and those of the State Legislative Council (not being a Minister) who have a place of residence in the district shall also be ex-officio members of the Parishad. The President of the District School Board shall also be an ex-officio member.

With regard to the elected members it is provided that from each sub-division of the district Gram Panchayat Adhyakshas shall elect two Adhyakshas from among themselves.

A municipal chairman or a mayor in the district will be appointed by the State Government. Further two women having a place of residence in the district will also be appointed by the State Government.<sup>4</sup>

The Sub-divisional Magistrate of each Sub-division of the district and the Panchayat Officer shall be associate members of the Parishad.

The election in the Zilla Parishads has been completed by the middle of 1964-65. There were altogether 807 members in the 15 Zilla Parishads, of them 772 were males and 35 were females. It is further interesting to note that out of the aforesaid 807 members there were 229 M.L.As and 30 M. P.s—total number of such members was 259 who were ex-officio members of the Zilla Parishads. (There were also ex-officio M.Ps and M.L.Cs who had a place of residence in the different districts of the State). A break-up of the members according to sex and community has been shown in Table No. IV

#### *Chairman and Vice-Chairman*

The members of the Parishad shall elect from among themselves (excluding the appointed municipal chairman or mayor and the President of the School Board) a Chairman and a Vice-Chairman for the Zilla Parishad. The Chairman, the Vice-chairman and other members of the Parishad shall hold office for a period of four years.

#### *Powers, functions and duties of the Chairman/Vice-Chairman*

The act provides that the Chairman shall (a) have full access to all records of the Zilla Parishad; (b) have general responsibility for the financial and executive administration of the Zilla Parishad; (c) exercise administrative, supervisory control over the Executive Officer and the Secretary; (d) exercise such powers, perform such functions and discharge such

<sup>4</sup> Sec. (4) (1) (d) of the W. B. Zilla Parishads Act, 1963



duties as may be performed by the Zilla Parishad under this Act or Rules ; (e) exercise or perform such work as may be specially assigned by the Zilla Parishad or the State Government. The Vice-Chairman shall perform those duties which will be delegated to him by the Chairman from time to time in writing. He shall also perform all the duties of the Chairman in his absence.<sup>5</sup>

### *Observations*

Excluding Calcutta there are at present 15 districts in West Bengal. It is observed that fifteen Zilla Parishads have been set up in place of the district boards in the aforesaid fifteen districts of the State. The remarkable features of the present Zilla Parishad Executive are its 'unwieldy number' and the presence of excessive 'ex-officio members'. The district of 24-parganas having 63 lakh population is the largest district in the State. It contains 51 development Blocks. In 1964-65 the newly constituted Zilla Parishad consisted of as many as 127 members (48 of them belonged to Lok Sabha and State Legislative Assembly as elected members). It may be recalled that the old District Board (24-Parganas) consisted of 40 members only.

It may be observed that the composition of the Zilla Parishad (as noted above) is mostly through ex-officio, appointed and co-opted members. Elected members are extremely limited and there also the system of indirect election has been provided. Of course, this is the general picture throughout India. Notable exceptions are Maharashtra and Gujarat where there are provisions of 'direct election' from the base.

It is further observed that excepting Maharashtra, Andhra, Punjab and Orissa the Zilla Parishads are generally dominated by these ex-officio members, particularly by the members of the legislature. West Bengal has further allowed these members full 'voting rights' including the rights to get themselves elected as executives of the Zilla Parishad. This may cause undue interference by the State leaders in local affairs. Further, owing to the constant presence of eminent persons in the body politic of the Zilla Parishad the local leaders may hesitate in taking initiative in their own affairs.\* The daily Statesman rightly observed—"If the object is to throw up local leadership it is imperative that chairmen and presidents of Zilla and Anchalik Parishads should be in regular

<sup>5</sup>. Sec 3(3) of the Amended W. B. Panchayat and Zilla Parishads Act, 1966.

\* In 1966 Mr. J. C. Talukdar I. A. S., Secretary of the department after, his 'on the spot' study of the working of the Zilla Parishads in Andhra and Maharashtra made certain recommendations for reorganisation of the Zilla and Anchalik Parishads of West Bengal. A brief synopsis of his findings has been given in subsequent pages.



attendance. It does not seem possible for M.Ps and M.L. As to be members for those bodies and to function as full-fledged members. It is suggested that they should be Associate members only, as in Maharashtra and Andhra'.<sup>6</sup>

Like the lower bodies, the Gram and the Anchal Panchayat there is no provision of sending representatives from co-operative societies even in these apex Panchayat institutions.

We also note that in a recent amendment there has been provision for honoraria and allowance for the Chairman and the Vice-Chairman. They are also entitled to 'leave of absence' for a schedule period.

Similar provisions are observed in the Acts of other states also. In the changed circumstances the Chairman of a Zilla Parishad will have to perform manifold duties. In the fitness of things the Chairman and the Vice-Chairman should be whole time persons. It is also evident that after the abolition of the Zamindari system the elected executives of our Local Bodies generally belong to middle class people (teachers, social workers, businessmen or peasants). It is therefore obvious that they should be provided with some sort of honoraria or allowances.<sup>7</sup>

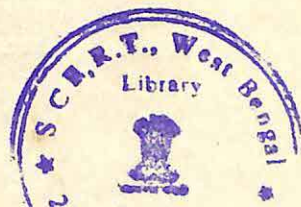
#### *Powers, functions and duties of the Zilla Parishad*

Chapter IV deals with the powers, functions and duties of the Zilla Parishad. They cover wide range of subjects relating to public utility, welfare and development of the district. They may be grouped under the following heads :

1. To undertake schemes or adopt measures (including financial assistance) relating to livestock, co-operation, water supply, irrigation, establishment of dispensaries and hospitals, public health, education, communications and other objects of general public utility;
2. To undertake schemes entrusted to it by the State Government or such other authority;
3. To manage public utility concerns;
4. To provide grant-in-aid or other contributions to public welfare institutions either within the district or outside;

<sup>6</sup> Statesman, 10.2. 66.

<sup>7</sup> Sec-7A of the W.B. Zilla Parishads Act, 1963





5. To establish scholarships or stipends for furtherance of technical education;
6. To acquire and maintain village hats and markets;
7. To provide grants to the Anchalik Parishads;
8. To co-ordinate and integrate development plans prepared by the Anchalik Parishads;
9. To examine and sanction the budget estimates of the Anchalik Parishads ;
10. To adopt measures for the relief of the distress.

Apart from these functions it has also advisory powers to State Government in regard to development of the district.

It is also provided that ordinarily a Zilla Parishad shall not intervene in the development work of a Block undertaken by an Anchalik Parishad. Such work may be undertaken by the Zilla Parishad or such assistance may be given, if and when the work is beyond the competence of the Anchalik Parishad.<sup>8</sup>

A Zilla Parishad shall exercise general powers of supervision over Anchalik Parishads, Anchal Panchayats, and Gram Panchayats in the district. Further it shall be the duty of these authorities to give effect to any directions of the Zilla Parishad on matters of policy and administration.<sup>9</sup>

### *Observations*

An analysis of the powers, duties and functions of the Zilla Parishads of West Bengal will show that they have under the act 'four-fold' role to perform. These are :

1. Undertaking schemes or measures by themselves relating to district development;
2. Co-ordinating and integrating development plants prepared by Anchalik Parishads;
3. Exercise supervisory functions over the lower Panchayat bodies, including the Anchalik Parishad;
4. Serving as adviser to the State Government in regard to development of the District.

<sup>8</sup> Sec. 18, of the W. B. Zilla Parishads Act, 1963.

<sup>9</sup> Ibid . . . . . Sec. 27 of the Act



It has to be observed that, by and large, the Zilla Parishads in majority of the States in India have supervisory and co-ordinating functions. But important exceptions in this general order are Maharashtra, U. P. Gujarat and West Bengal. As observed by the Ministry of Community Development and Co-operation—"In Maharashtra, the Zilla Parishad is the strongest of the Panchayatiraj bodies and is vested with executive functions in various fields including planning and development and advising the State Government. In Gujarat, Uttarpradesh and West Bengal also, the Zilla Parishad is vested with administrative functions in various fields. In the remaining States the Parishad has no specific executive functions and is a supervising and co-ordinating body."<sup>10</sup>

It is further observed that while the West Bengal Act has vested the Zilla Parishads with substantial powers to prepare schemes and to undertake development works for the welfare of the district there is no provision either to link up these programmes with those drawn up by the lower bodies or to accept recommendations, if any, from below. In the absence of these provisions, it is feared, the very object of people's participation and initiation in planning and development may be frustrated. It is noticed that village Panchayats in various parts of West Bengal are very keen on undertaking various development projects for the improvement of their areas. But owing to acute paucity of funds they cannot in most cases implement these schemes. Adoption of these schemes either wholly or even in parts by the higher bodies like the Zilla Parishads would have convinced the village people that 'democratic decentralisation of power' is, not a mere slogan but rather an objective reality.

It is heartening to note that the Maharashtra Act has made an important provision in this behalf—"The Zilla Parishad shall endeavour to promote planned development of the District by utilising to the maximum extent, local resources and for that purpose prepare annual and long term plans, regard being had to the plans already prepared by the Panchayat Samities".<sup>11</sup>

#### *Anchalik Parishad*

'Anchalik Parishad' is the third executive tier of the West Bengal Panchayat raj system. (It is located at the Block level and expected to command substantial power and influence). Comprising elective-cum-

<sup>10</sup> 'Panchayati Raj At A Glance' (as on 31.3.1964). Department of Community Development, Government of India, 1964, P VI.

<sup>11</sup> Section 100 of the Maharashtra Zilla Parishads And Panchayat Samities Act, 1961.



ex-officio members this new body located at the Block level is expected to lead and guide the lower Panchayat bodies.

An Anchalik Parishad shall consist of the following categories of members :

- (1) Ex-Officio
  - (2) Elected
  - (3) Appointed
  - (4) Co-opted
  - (5) Associate
- a. In the first instance all the Pradhans of the Anchal Panchayats and the Presidents of the Union Boards, if any, located in the Block shall be ex-officio members of the Parishad.
  - b. The members of the Lok Sabha and the State Legislative Assembly elected from any constituency comprising the Block and also members of the Rajya Sabha and the State Legislative Council having a place of residence in the Block shall also be ex-officio members.
  - c. One Adhyaksha from the territorial limits of each Anchal Panchayat elected by the Adhyakshas of that area from among themselves.
  - d. The State Government shall appoint four members of whom two will be women and two from the backward community.
  - e. The members of the Parishads shall co-opt two persons who have experience or knowledge in social and rural development work and shall have residence in the Block.
  - f. The Block Development Officer shall serve as an Associate member of the Block.<sup>12</sup>

#### *Tenure of office*

Ordinarily all members of the above category shall hold office for a period of four years.

<sup>12</sup> Sec. 52 of the West Bengal Zilla Parishads Act, 1963.



*President and Vice-President*

There shall be a President and a Vice-President elected by the members of the Parishad from among themselves. It is to be noted that excepting the Associate member (B. D. O) any other member of the Parishad may be a candidate for the office of the President or of the Vice-President.

*Powers and functions*

An Anchalik Parishad shall have power to —

- a. Undertake schemes relating to the development of agriculture, livestock, cottage industries, co-operative movement, rural credit, water-supply, irrigation, public health and sanitation, primary or adult education, communications, social welfare, establishment of dispensaries and hospitals and other objects of general utility ;
- b. Undertake schemes entrusted to it by the State Government or any other authority;
- c. Manage, maintain or control public concerns vested in it;
- d. Make grants-in-aid to public educational institutions or welfare organisations within the block ;
- e. Make grants to the Zilla Parishad or Anchal Panchayats;
- f. Contribute with the approval of the State Government towards the cost of water-supply or anti-epidemic measures undertaken by a municipality within the block;
- g. Adopt measures for the relief of distress;
- h. Co-ordinate and integrate the development plans and schemes prepared by Anchal Panchayats in the blocks if and when necessary.

*Comments*

It has already been stated that the Anchalik Parishad is the third tier of the Panchayati system in this State. Out of 335 blocks, 325 Anchalik Parishads have been constituted so far. The Anchalik Parishad is expected to organise the development work of the entire block. Further it has to co-ordinate and supervise the work of the Anchal Panchayats under it.



It may be recalled that according to the Mehta Committee the organisation at the block level (Panchayati Samiti or Block Panchayat or Anchalik Parishad as called in West Bengal) should be the most convenient and pivotal organisation of the new decentralised scheme of local organisation. It should not only organise and co-ordinate development works of the entire block but should also co-operate and supervise the works undertaken by the lower Panchayat organisations. It is also desirable that after the establishment of this new block organisation the existing Community Development bodies should be merged with it. Unfortunately, no clear provision has been made in the 'West Bengal Zilla Parishads Act, 1963' in this respect. Thus a 'diarchy' has been created at the block level and this has resulted in unhappy relations between the Block Development Officer and the elected heads of the Anchalik Parishads.\* The Block Development Officer has a double role to play. So far as the Community Development work is concerned he is the supreme executive authority and is empowered to undertake independent decision. On the other hand he is also the 'Chief Executive Officer' of the Anchalik Parishad. It is natural that in the latter capacity he will have to function as per direction of the 'Anchalik Parishad' and of its President. Unhappy conflicts and strained relations have already been noticed in their functioning.

It is significant that in other States, 'Community Development Work' has been incorporated (though mentioned as a separate item) with other items of development work. Even in the Orissa Act (where Panchayati Raj is comparatively weak) it has been provided that—"A Panchayat Samiti shall exercise the powers and perform the functions regarding planning, execution and supervision of development programmes, schemes and works in the Block relating to Community Development including those pertaining to 'Tribal Development Blocks'.. and of such other programmes, schemes and works as Government may, from time to time by general or special order, direct in respect of any Samiti".<sup>12</sup> In the Maharashtra Act detailed list of works has been incorporated as schedules (both for Zilla Parishads and Panchayat Samities) and Community Development programme is included as one of the items (No. 42). These may avoid conflict and confusion in undertaking such programmes and also indicate the clear role of these bodies in the national development work.

\* The author while holding interviews in 1964-65 with the B. D. O.'s of Howrah and Hooghly noticed dissatisfaction and frustration in their work. They were critical in regard to the interference of the elected Executives. Necessary amendment of the Act and clarification of the provisions, are, therefore, urgently called for.

<sup>12</sup> 'The Orissa Panchayat Samiti and Zilla Parishad Act, 1959 (as modified upto 1st. March 1962) Sec. 20 (1) (a).



It has to be admitted that compared to other States, West Bengal has a poor show in the matter. In the items included as 'schemes or measures' to be undertaken by the Anchalik Parishads we observe notable omissions in regard to Community Development, rural housing, economic programmes about local unemployment or any detailed programme in regard to women and child welfare.

### *Staff of the Anchalik Parishad*

There is provision for a Chief Executive Officer for Anchalik Parishad. The Block Development Officer shall be the ex-officio Chief Executive Officer of the Parishad. The Chief Executive Officer shall exercise general control over all officers and employees of the Anchalik Parishad.

It has already been noted that the Chief Executive Officer shall be an associate member of the Parishad.<sup>13</sup>

### *Standing Committees*

There are provisions for Standing Committees. Ordinarily there are seven types of 'Standing Committees' in a Zilla Parishad or Anchalik Parishad. Besides these seven, other committee or committees may be constituted with the approval or direction of the State Government. The Committees are :-

1. Finance and Establishment Committee
2. Public Health Committee
3. Public Works Committee
4. Agriculture and Irrigation Committee
5. Public and Social Welfare Committee
6. Industry and Co-operation Committee
7. Primary Education Committee.<sup>14</sup>

It is also provided that no person excepting the Chairman or the Vice-Chairman shall be members of more than two Standing Committees.

<sup>13</sup> Sec. 74 (1) of the W. B. Zilla Parishads Act, 1963. (as modified upto 1st June, 1967)

<sup>14</sup> Ibid.....Section 33 (1) and (2) of the Act,



*Constitution of the Standing Committees*

A Standing Committee of a Zilla Parishad or Anchalik Parishad other than 'Education Committee' shall consist of three categories of members :

- (1) Elected.
- (2) Appointed.
- (3) Nominated.

In regard to elected members it is provided that a Zilla Parishad may elect upto 9 members\* in a Standing Committee from among themselves.

Two officers either of the State Government or of the Zilla Parishad shall be appointed by the State Government. Besides the above persons, a Zilla Parishad or Anchalik Parishad may nominate persons from outside (not exceeding two) having special knowledge in the 'subject' for which the committee is formed.<sup>15</sup> The respective Chairman and the Vice-Chairman or the President and the Vice-President shall be ex-officio members of the Standing Committee of the Zilla Parishad or the Anchalik Parishad as the case may be.

All members (elected or nominated) shall hold office for a period of four years.

*District School Board*

Section 38 provides that subject to certain special conditions the 'District School Board' constituted under the Primary Education Act (1930) shall function as the Primary Education Committee of the Zilla Parishad. It shall be the duty of the Board to give effect to the instructions of the Parishad unless they are inconsistent with the provisions of the Bengal Act, 1930. The 'instructions' referred to above may relate to (a) transfer of management of schools (b) inspection of schools (c) making payment to schools by way of contribution or grants-in-aids.

*Observations*

'Committee system', particularly formation of Standing Committees, based on specialised subjects is a significant provision of the present Zilla Parishads Act. In the old '1885 Act' Committees played a minor role. There were provisions only for three types of committees, namely (a) Finance Committee, (b) Education Committee and (c) Public Health Committee.<sup>16</sup>

\*In the case of Anchalik Parishad the number shall be five.

<sup>15</sup> Sec. 34 of the West Bengal Zilla Parishads Act, 1963.

<sup>16</sup> Section 55, Sec. 65B and Sec. 91 of the Local Self-Government Act of 1885.



It may be further observed that even though the committees existed, their scope and functioning were extremely limited.

As observed by Dr. N. C. Roy—"The Committees of the District Boards in Bengal do not occupy the same position and exercise the same authority in their administration as the Committees of the County Councils in England. In the latter country the Committees fill a most important role in local Government."<sup>17</sup>

In the new set-up manifold functions and powers have been entrusted to the district organisations. Practically speaking every aspect of the country's life and its development depends on the initiative and co-ordinating activity of the Zilla Parishad. This is not all. The membership of the newly created Zilla Parishad in contrast to the earlier 'District Board' has almost been doubled. It is obvious that in order to deliberate properly and to undertake proper development scheme the members should sit in small committees. These may further help in obtaining expert opinions, as also in reaching quicker decisions. Formation of Committees and investing them with decisive power indicate division of labour, decentralisation of power and extension of democratic ideals.

#### *Powers and functions of the Standing Committees*

There is no specific mention in the Act of the powers, functions and mode of transaction of the Standing Committees stated earlier. These have been covered by the 'West Bengal Zilla Parishad Rules, 1964'. While Rule 66 defines the 'scope' of these Committees, Rule 67 clearly provides that "each Standing Committee shall exercise the powers and perform the functions of the Zilla Parishad..... in relation to the subjects assigned to it within their respective financial limits and shall be responsible for the implementation of the works and schemes of the Zilla Parishad or the Anchalik Parishad coming under these subjects".

The Rules further put certain limitations in regard to financial competence of the Standing Committees. They will have to function in close co-ordination with the Finance Standing Committee in matters like the according of administrative approval, financial sanctions and cost of a scheme.

#### *Finance Standing Committee*

In the fitness of things the 'Finance Standing Committee' is the most

<sup>17</sup> Dr. N. C. Roy. "Rural Self-Government in Bengal" p. 55.



powerful of the Standing Committees. It has the following main subjects to deal with :

- a. Finance
- b. Budget
- c. Taxation
- d. Administration
- e. Establishment
- f. Co-ordination
- g. Supervision.

Apart from the above main functions, the 'Finance Standing Committees' of the Zilla Parishad or the Anchalik Parishad, as the case may be, shall have the following powers also :

1. Creation, appointment and transfer of staff;
2. To frame budget and supplementary budget;
3. To prepare and submit Anchal Administration Report;
4. To maintain accounts of the Zilla Parishad or Anchalik Parishad;
5. To recommend grants to and contributions from lower Panchayat bodies as also to consider their budgets;
6. To recommend levy of rates, fees or tolls;
7. Other activities.

It may be recalled that in the '1885 Act' also the Finance Committee was of course by far the most important of such bodies. Under Sec.55, this Committee was empowered to prepare the budget estimate so that they might be transmitted to the Divisional Commissioner through the District Magistrate.

#### *Chairman of the Standing Committees*

In West Bengal both elected and non-elected members can be elected as Chairman of a Standing Committee. In case of the 'Finance and Establishment Standing Committee' (in both the Zilla Parishad and in the Anchalik Parishad) the Chairman or the President of the Zilla Parishad or the Anchalik Parishad, as the case may be, shall be ex-officio Chairman of the said Standing Committee.<sup>18</sup>

<sup>18</sup> Sec. 9 (b) and Sec. 17 (b) of the W. B. Zilla Parishads (Amendment) Act, 1965.



*Sources of income of the Zilla and Anchalik Parishad*

Under the 1963 Act the Zilla Parishad has the following sources of income. The sources may be grouped as follows :

- a. Taxes
- b. Grants
- c. Non-tax-revenue
- d. Other sources.

(a) *Taxation*

All proceeds of road cess levied and realised in the district.\*

(b) *Grants or Contributions*

Contributions and grants if any, from the Central or State Government including shares of land revenue.

(c) *Non-tax Revenue*

Receipts on accounts of tolls, rates and fees levied by the Zilla Parishad, fines and penalties imposed and realised under the provisions of the Act.

(d) *Other Sources*

Contribution and grants, if any, from the Anchalik Parishad, incomes from remunerative schemes, income from trusts and endowments and loans from the State Government.

Similar to the 'Zilla Parishad', the Act provides the following sources of income for the Anchalik Parishad :

(a) *Grants and Contributions*

- These may be
- (i) contributions and grants made by the Central or State Government or the Zilla Parishad;
  - (ii) loans, if any, granted by the Government or raised by the Anchalik Parishad.

(b) *Non-tax revenue*

All receipts on account of tolls, rates and fees levied by the Parishad. It is also provided that the Anchalik Parishad may levy the following fees and rates :

- (i) fees on the registration of vehicles;

\* Sec. 41 of the West Bengal Zilla Parishads Act, 1963.



- (ii) a fee for providing sanitary arrangements at public places or fairs and melas;
- (iii) a fee for license for a hat or market;
- (iv) water and light rate—provided arrangements for supply of water (drinking and irrigation etc) and street lighting are being made by the Anchalik Parishad within its jurisdiction; 19.
- (v) tolls on persons, vehicles or animals and in respect of any ferry.

(c) *Other Sources*

This category will include all (a) 'receipts' in connection with public institutions like schools, hospitals etc. vested in the Parishad and such sums received as 'gifts' and 'contributions' from any trust or endowment made in favour of the Parishad.

(d) *Taxes and Miscellaneous receipts*

Taxes if any, fines or penalties imposed and realised under the provisions of the Act.<sup>19</sup>

*Comments*

It may be observed that excepting Gujarat, Maharashtra, U. P., West Bengal and Madras no other State in India has made 'taxes' a source of revenue for the Zilla Parishads. In majority of the States the Zilla Parishads get grants or contributions from the State Govt. These are shares of land revenue or forest revenue or local cess. In West Bengal complaints are being made that the Zilla Parishads are not receiving sufficient grants from the State Government.

An analysis of the 'sources' of revenue of the Anchalik Parishad will reveal that excepting 'Grants or contributions' it has no stable sources of revenue. With regard to levying fees or rates it has a 'concurrent jurisdiction'. The scope is limited since the Zilla Parishad or the Anchalik Panchayat may also have power to impose such 'fees' or 'rates'. It may be recalled that in other States the 'Samity' at the Block level (known as Panchayat Samity, Anchalik Panchayat or Block Panchayat) is entrusted with manifold executive-cum-development work. They are also provided with grants and other adequate sources of revenue (land revenues, property tax, entertainment tax or stamp duty).

Unfortunately the Anchalik Parishads in West Bengal have so far played an insignificant role in the Panchayati scheme of this State. In reality

<sup>19</sup> Sec. 86 of the W. B. Zilla Parishads Act, 1963.



in the Zilla Parishad Act, 1963 the main emphasis has been shifted to the Zilla Parishads. The Anchalik Parishads are playing a second fiddle in the whole scheme.

In the context of sponsoring 'block development programme' as also for integrating the work of the Gram and Anchal Panchayats, the Anchalik Parishads in West Bengal should be provided with suitable and elastic sources of revenue.

The cyclostyled 'Administrative Report of the Government of West Bengal for the year 1965-66 in regard to Anchalik and Zilla Parishads' financial performances is certainly not very encouraging. The report reveals that the total income of all the 15 Zilla Parishads in the State for 1965-66 was approximately Rs. 2.45 crores. Of these the contributions from the State Government and other resources were to the extent of Rs. 189 lakhs (roughly 77%) and Rs. 56.4 lakhs (23%) came from self-taxation. Thus on an average a Zilla Parishad in West Bengal collected Rs. 3.76 lakhs per annum. "Incidentally it may be mentioned that the average tax collection per Zilla Parishad per annum works out to Rs.10.10 lakhs in Maharashtra, Rs.5.52 lakhs in U. P. and Rs. 4.69 lakhs in Gujarat".<sup>20</sup> It is expected that after framing Bye-laws and necessary formalities the Zilla and Anchalik Parishads should exert in collecting more revenues either as taxes or as fees or contributions from other undertakings and resources. \*

#### *Establishment of the Zilla Parishad*

Zilla Parishad in West Bengal has 3 types of officers :

- a. An Executive Officer
- b. A Secretary
- c. Other staff.

The Executive Officer shall be appointed by the State Government whereas other staff will be appointed by the Zilla Parishad.

It is further provided that "no post carrying a monthly salary of rupees three hundred and one or more shall be created or established by the Zilla Parishad without the approval of the State Government".<sup>21</sup>

<sup>20</sup>. S. M. H. Burney—Panchayati Raj and Resources Mobilisation. Quoted from Kuruskhetra, Oct. 2, 1967. pp. 35-36.

\* Latest reports indicate that the Zilla Parishads have further improved their own resources. In 1967-68 the total receipts from their own sources was Rs. 69,45,455.26. This was 60% of the net income.

<sup>21</sup>. Sec. 28 (1) (2) and (3) of the W. B. Zilla Parishads Act, 1963.



The Executive Officer shall exercise general control over all officers and other employees of the Zilla Parishad.

*Functions and powers of the Executive Officer*

An Executive Officer of the Zilla Parishad shall perform the following functions and duties :

1. To prepare agenda and taking necessary steps on the decisions of all meetings.
2. To contact the Chairman regarding development and other activities of the district.
3. To maintain records and accounts of the Zilla Parishad.
4. Exercise administrative control and supervision over the staff.
5. To contact correspondence of the Parishad or the Standing Committees.
6. To secure co-ordination between the Zilla Parishad, its Standing Committees and the district level officers.
7. Prepare quarterly reports of expenditure of the Zilla Parishad and submit the same to the Secretary.
8. Carry out other functions as assigned by the Chairman.

The Executive Officer shall attend all the meetings of the Parishad and its Standing Committees.

*Secretary*

The Act provides for a Secretary for the Zilla Parishad and the same shall be appointed by the Parishad. It is further provided that from the date of the establishment of the Parishad the 'District Panchayat Officer' shall be the ex-officio Secretary for a period of four years.

*Recommendations of Mr. J.C.Talukdar and the report of the Working Group :*

Just after the setting up of the Zilla and Anchalik Parishads West Bengal Government made a review of the structure of these bodies in the context of Panchayati Raj bodies in the advanced States like, Maharashtra and Gujarat. In the early part of 1966 Mr. J. C. Talukdar, the then Panchayat Secretary, after a visit of these States submitted a report to the Government embodying his own recommendations in the matter. A synopsis of the same was published in the Press.<sup>22</sup> (In the latter part of

<sup>22</sup>. Statesman. 10.2.66.



1966 a 11-man 'Working Group' headed by a Cabinet Minister was appointed by the Government to recommend about the respective roles of the Zilla and the Anchalik Parishads in regard to development matters, the position of the District Magistrate, the Divisional Commissioner and the B. D.Os in relation to these bodies and certain other related matters. The Working Group submitted its report by the end of 1966).

Mr. Talukdar's recommendations deserve special mention since some of his findings have again been subsequently reviewed and recast by the 'Working Group'. Mr. Talukdar particularly studied and recommended about the future pattern of Community Development work (after setting up of the Anchalik Parishad at the Block level) and the role of the B. D. O., the role of the Divisional Commissioner and the District Magistrate in relation to Panchayati Raj bodies, the composition of the Zilla Parishads *vis-a-vis* the ex-officio members like M. L. As and M.Ps. He also made recommendations about revenue matters.

So far as the Community Development works are concerned, Mr. Talukdar was of the firm opinion that after "statutory recognition of this movement through the Panchayati frame work, the case for the retention of the C. D. and E. S. department and a schematic budget ceases". He also felt that "the retention of the C. D. and E. S. Department as distinct from the Panchayati Department is not only wasteful but is causing confusion".<sup>23</sup> He therefore recommended the abolition of the Community Development Department. He also favoured the enlargement of the present Block areas so as to make them co-terminous with the previous Circles.

As regards B. D. O., Mr. Talukdar's recommendation was that the B. D. O. should have no identity other than as the Chief Executive Officer of the Anchalik Parishad. The B. D. O. should also be given the powers of exercising some disciplinary control over all Extension Officers within the Anchalik or Block region.

In the recommendations of Mr. Talukdar great emphasis had been laid on the office of the Divisional Commissioner. He desired reorganisation and extension of the present complement of the Divisional Commissioners. He recommended that "the Divisional Commissioners should be firmly involved in rural development work and with regard to Panchayati institutions all funds and schemes intended to be utilised through these bodies should be routed through the Divisional Commissioner."<sup>24</sup> As regards the 'District Magistrate' Mr. Talukdar opined that he should

<sup>23</sup>. J. C. Talukdar Report....P 8

<sup>24</sup>. Ibid.....P 4



be closely associated with Panchayati Raj bodies and particularly under his sponsorship funds should be allotted to the Anchalik Parishads by the Zilla Parishad.

Mr. Talukdar's observation in regard to the composition of the 'Zilla and Anchalik Parishads' in West Bengal compared with the afore-said two States confirms our own findings in the matter. He remarked "Panchayati Raj was created with one of its main object being to throw up local leadership. Additionally with the need for Chairmen and Presidents of the Zilla Parishads and Anchalik Parishads to be in regular attendance in their offices, it does not seem possible for M. L. As and M. Ps to be full-fledged members of these bodies. As on the lines of Maharashtra and Andhra Pradesh, M. L. As and M. Ps should be associate members only and not be entitled to be office-bearers of the Zilla and Anchalik Parishads".<sup>25</sup>

### *Working Group*

The study of the 11 man Working Group was more or less confined to the subjects already covered by Mr. J. C. Talukdar. But the approach and the ultimate findings of the 'Working Group' compared with Talukdar Report were liberal, democratic and helpful to the growth of Panchayati Raj institutions in this State. In regard to the role of the Zilla Parishads vis-a-vis the development work in the district, the Working Group was of the firm opinion that "more and more development schemes at the district level should be entrusted to the Zilla Parishads with provision of adequate funds". It was further felt that in the matter of drawing up "District development plans" the Zilla parishads and their affiliated units must have a leading role. "The plans should be drawn up under the sponsorship of the Zilla Parishads."<sup>26</sup>

Regarding appointment of the Chief Executive Officer of the Zilla Parishad, the Group opined that he need not be an I. A. S. officer. A suitable experienced officer with at least 7 years Government service and having knowledge of district and rural life should be deputed for the purpose.

It will be observed that the Group's recommendations in regard to the 'District Magistrate' and that of the 'Divisional Commissioner' including their relations with Panchayati bodies are essentially different

<sup>25</sup>. J. C. Talukdar Report, P 16.

<sup>26</sup>. Report and Recommendations of the Working Group on District Administration and Agricultural Administration for West Bengal, 1966. P III



from the Talukdar Report. The Group felt that the Divisional Commissioner should not be burdened with any further responsibilities than those which were provided already in the existing Acts (These are routine inspections and serving as 'court of appeal' in some removal matters). So far as the District Magistrate's powers are concerned (vis-a-vis the Panchayati bodies) the Group felt that the Magistrate should neither be overburdened with additional functions relating to development nor he be dissociated wholly with such functions. According to the Group the Magistrate should be conversant with all activities of the Zilla Parishads but Government funds should not be sent through the Magistrate to avoid unnecessary delay.

#### *Role of the Block Development Officer*

The Working Group recommended that in the changed set-up the office of the B. D. O. should not be operated in the old way. The non-development functions of the B. D. O. should be taken away from him. Thus the B. D. O. in respect of the developmental functions might be deputed to the Anchalik Parishad. He would function as the Chief Executive Officer of the Block. Similarly, other personnel attached to the Block should be placed at the disposal of the Parishad and should also be under their overall control. The B. D. O. would exercise control over them in the matter of execution of development functions. His confidential report should be initiated by the Chief Executive Officer of the Zilla Parishad. The Group further felt that in the context of the changed set-up there was no further need for the continuance of the Community Development at the Secretariat level.

#### *Comments*

It is reliably understood that neither the findings of the Talukdar Report nor the recommendations of the Working Group were accepted and implemented by the West Bengal Government. Possible reasons of the delay may be (1) vacillations in the then Congress Government in regard to the proposed changes and (2) a re-thinking that this might be taken up after the Fourth General Election. During the Second United Front regime a comprehensive Panchayat Bill dealt with some of the problems stated earlier. But the Bill lapsed with the fall of the Government in 1969.

Incidentally it may be observed that certain healthy trends were noticed in the recommendations of the Working Group. The Group favoured an extension of power of these bodies - particularly the Zilla Parishads in the matter of district development work. In some way their recommendations have tried to fill up the lacuna in the Act and the Rules. The Group rightly



felt that the 'district plans' should be drawn up by the Zilla Parishad in consultation with the lower affiliating Panchayat bodies. It is also heartening to note that the Group did not favour that the District Magistrate and the Divisional Commissioner should be burdened with additional powers in regard to the Panchayat bodies. It is an admitted fact that both the Magistrate and the Commissioner of the Division are extremely busy men. They can hardly attend to their own normal duties. How will it be possible for them to undertake additional responsible duties like 'developmental functions' or keep watch and supervision over the growth of these 'Self-Governing institutions' ? If the purpose of these Acts is to create genuine local leadership then the first and foremost requisite will be to trust and rely on the local representatives. There is every possibility that they may commit mistakes—but it is highly desirable that people should be allowed to learn through processes of trial and error rather than to remain under perpetual guardianship of seasoned bureaucracy. This may make a self-government or village 'Swaraj' a farce.

### *Government Control*

Sections 103, 104, 107, 108 and 109 deal with provisions in regard to State Government's control and interference, if required, in the affairs of the Zilla or the Anchalik Parishad. Particular mention may be made of the Sec. 107 and 108. The State Government in the first instance may rescind any resolution passed by the Zilla Parishad or the Anchalik Parishad or any Standing Committee thereof. The State Government may take such action if in its opinion such resolution—

- a. has not been legally passed,
- b. is in excess or abuse of the powers, and
- c. is likely to cause danger to human life, health or safety or breach of peace.

Similarly, on grounds of 'incompetency or persistent' default in the performance of duties or 'exercise of its functions' or for 'exceeding or abusing its powers' the State Government may supersede the Zilla Parishad or the Anchalik Parishad, as the case may be. It is also provided that the institution concerned shall be given an opportunity of making any representation against the proposed order. It is further noted that the duration of the order of 'supersession' shall not exceed, in the first instance 'more than two years'. The period of supersession may be modified or extended by the State Government.

It may be recalled that the 'Bengal Act III of 1885' made identical provisions of supersession with regard to the 'District Boards' on similar



TABLE No. III

**Break up of Anchal and Gram Panchayats in West Bengal**  
**( According to Division and District )**  
**1968-69**

Name of the Division	Name of the District	No. of Anchal Panchayats	No. of Gram Panchayats	No. of Anchal Members ( Division wise )		No. of Gram Panchayat Members	
				Male	Female	Male	Female
1. Burdwan	Bankura	179	1248	26310	42	100088	168
	Birbhum	158	988				
	Burdwan	193	1390				
	Hooghly	181	1193				
	Midnapur	470	3158				
	Purulia	167	1011				
2. Jalpaiguri	Cooch behar	105	582	9266	22	36017	119
	Darjeeling	54	193				
	Jalpaiguri	93	566				
	Malda	124	361				
	West Dinajpur	144	991				
	Howrah	153	1038				
3. Presidency	Murshidabad	225	1481	22093	41	80945	182
	Nadia	145	1004				
	24 Parganas	495	3534				
		2886	18,738	57,669	105	21,7050	469
Total							



**TABLE No. IV**

**Distribution of the Zilla Parishad Membership (District wise)  
according to Sex for the year 1968-69**

Sl. No.	Name of the Zilla Parishad	Total Members	Male	Female
1.	Bankura	45	43	2
2.	Birbhum	35	34	1
3.	Burdwan	69	67	2
4.	Hooghly	57	55	2
5.	Midnapore	88	84	4
6.	Purulia	34	32	2
7.	Howrah	45	43	2
8.	Murshidabad	60	59	1
9.	Nadia	41	39	2
10.	24-Parganas	123	120	3
11.	Cooch Behar	27	25	2
12.	Darjeeling	36	33	3
13.	Jalpaiguri	35	33	2
14.	Malda	37	35	2
15.	West Dinajpur	33	31	2
	Total	<u>765</u>	<u>733</u>	<u>32</u>



grounds of incompetency' or 'persistent default of duties' or 'abusing or exceeding its powers'. The only difference is in the duration of the period of supersession. In the old Act the period was 'three years', in the present Act this has been reduced to 'two'.

The Act of 1963 also provides for removal<sup>27</sup> of an elected Chairman or Vice-Chairman of a Zilla Parishad or the President or Vice-President of an Anchalik Parishad as the case may be, by the State Government if he is found to be : (a) Incapable of exercising powers, performing functions or discharging duties, or (b) wilfully neglecting or refusing to carry out the directives of the State Government or (c) Abusing powers, or (d) on grounds of disqualification stated in the Act.

<sup>27</sup>. Sec 9 and 57 of the W. B. Zilla Parishads Act, 1963.



## CHAPTER—VIII

### PANCHAYAT FINANCE

The purpose and object of the Panchayati Raj will remain ineffective and wishful thinking unless the different institutions that come into being with the setting up of the Panchayati Raj are provided with adequate financial resources. 'Devolution of power' and creation of new 'popular authorities' will be meaningless if they fail to perform their commitments and obligations in this behalf. Unfortunately Local Self-Governing bodies in this country carry a sad memory and a bad legacy in this matter. The Taxation Enquiry Commission in 1953-54 very correctly pointed out this defect and cautioned the Government to adopt a changed policy in order to have an effective village Self-Government. The Commission observed—"Finally, it has to be emphasised that one of the important factors responsible for the unsatisfactory working of the district and local boards and the inutility and abolition of the taluk boards has been the unwillingness or the inability of the State Governments to provide adequate finance for these organisations. It will be necessary for the State Governments to ensure that the existing district boards, or the new administrative units which may replace them, are not only given adequate tax powers, but, where necessary, are adequately financed from the resources of the State".<sup>1</sup>

Thus for the growth and proper functioning of Local Bodies adequate provision of finance is urgently required. In regard to the sources of Local finance the following classification may be made :

- (1) Revenue from taxation by the local bodies; (This may include collections made by the Local Bodies themselves or by the State Government;
- (2) Assignment of shares of taxes levied and collected by the State Governments ;
- (3) Grants-in-aid from the State Government; and
- (4) Revenues from non-tax sources under the control of the local bodies.

In the context of the present needs of the Local bodies, particularly, for the new structures that are being built up, the primary emphasis should

<sup>1</sup> Report of the Taxation Enquiry Commission, (1953-54) Vol. III. p 357.



be to allot them certain permanent sources of revenue, preferably, in the shape of 'taxes' of an elastic nature.

It was earlier felt that the Panchayat bodies in order to be successful in making their ventures of building up a 'participating democracy' in this country should not be saddled with any power of 'self-taxation'. This will make them unpopular at the very start. This was also justified in the context that due to their inexperience and further owing to inadequate funds at their disposal their performances in most cases would be poor and unsatisfactory. In the circumstances rural people might not take kindly to these Panchayat bodies. This apprehension was also shared by the expert bodies like the 'Taxation Enquiry Commission' (1953-54) and also by eminent social workers.

But in the light of some recent findings on the actual working of 'Panchayati Raj' bodies in India our hitherto understanding in this behalf may have to be revised. Sri. H. M. Burney, Joint Secretary, Union Ministry of Food, Agriculture, C. D. and Co-operation while discussing 'resource mobilisation' of the rural people in the cause of Panchayati Raj institutions observed— "The role of the Panchayati Raj in harnessing local resources is not generally known. Recently, a review of the tax efforts of the Panchayati Raj institutions in 10 States in the country was made. The result is not only revealing but also reassuring in the sense that it once again underscores the capacity of these institutions to exploit avenues available to them. Analysis of these figures showed that even though these institutions are still in the nascent stage of development, they collected a total amount of Rs. 58.64 crores in the first four years of the Third Plan period. When compared to the estimate of Rs 53 crores as total collection of taxes envisaged for the entire Third Plan period in all the States, the performance in the ten States has exceeded all expectations.

Details are given in the following Table :—

Zilla Parishads		Panchayat Samities		(Rs. in lakhs) Panchayats		Total tax collected
No of States covered by the data	Tax collected.	No. of States covered by the data	Tax collected.	No. of States covered by the data	Tax collected	
1	2	3	4	5	6	7
1961-62—1	23.56	3	113.50	9	903.46	1,040.52
1962-63—2	180.21	3	170.28	8	972.78	1,323.27
1963-64—3	362.08	4	274.99	7	1124.41	1,761.48
1964-65—2	400.82	2	252.38	4	1085.77	1,738.97
	966.67		811.15		4,086.42	5,864.24



The above figures clearly reveal that there has been a steady rise of taxes in Panchayati Raj bodies. The increase has gone up from Rs. 10.40 crores to Rs. 17.38 crores within a period of four years.<sup>2</sup> It is further learnt that in the matter of tax collection notable contribution was made by the Zilla Parishads of Maharashtra (it may be mentioned that amongst the States which are included in the above said Table only Maharashtra, U. P. and Gujarat have vested their Zilla Parishads with power of taxation).

Certain contributory factors may be mentioned for this new trend in the Panchayati Raj bodies' tax collection capacity. These are :-

- (1) The field for taxation in the rural sector has undergone a radical change during the last decade due to various development activities relating to agriculture which has not been properly investigated and appreciated as yet;
- (2) Due to the introduction of Panchayati Raj new institutions have been founded in the rural areas with larger powers and promises. Some initiative and activity have been noticed amongst the people about these bodies. People are paying their dues in the hope and belief that there will be a new horizon in the rural life within a short period ;
- (3) In some States land revenue has been abolished. In the circumstances better prospects are before the Panchayati Raj institutions for tapping new sources of revenues in rural areas ;
- (4) By 'devolution of power' a new type of village authorities has been created in this country. These self-governing institutions are enjoying larger powers and functions compared to village bodies that existed in the immediate past. Further, these institutions have an additional advantage. They are elected to-day by the entire village community. In the past owing to the existence of the principle of 'restricted franchise' various concessions had to be allowed in the assessment and collection of taxes in order to obtain votes. In the context of adult franchise such dependence on a 'coterie vote' may not be required. It is expected that in the changed circumstances the village executive heads may be more firm in the assessment of properties or in the fixation of fees and licenses and in their ultimate collection. Apart from this in a local area if the authorities are honest and

<sup>2</sup> Sri S. M. H. Burney—'Panchayati Raj and Resource Mobilisation' Kurukshetra, Oct., 2, 1967. pp. 35-36.



sincere there is little possibility of evasion of taxes. Thus on the whole augmentation of revenues is expected in the village sector.

These new developments in our local bodies are also being considered by Expert Committees. The Draft outline of the Fourth Five Year Plan also envisages a significant role for the Panchayati Raj institutions. It observes—"With the emergence of Panchayati Raj institutions as partners of the Centre and the States in the task of national development, it is necessary that these institutions should be induced in every way to step up their resources mobilisation. Appropriate schemes of matching incentive grants, already in vogue in some States, should be introduced in all States so that Panchayati Raj institutions at all levels may exploit their sources of taxation to the full. Local resources should be used for implementing local projects as well as for maintaining the assets created".<sup>3</sup>

### *Resource Mobilisation in West Bengal*

It is in this context that the prospect of financial provisions of the West Bengal Panchayati bodies should be evaluated. It has already been indicated while discussing the tax structure and other resources of the lower Panchayat bodies as also of the Zilla and Anchalik Parishads that compared to some of the advanced States like Maharashtra, Gujarat or Rajasthan, they are disappointing. Perhaps some more elucidation is needed to explain our aforesaid observations in the matter. Let us examine the financial provisions of our lower Panchayat bodies. It has been noted earlier that under the West Bengal Panchayat Act, 1957 the village Panchayat has no authority to determine or to collect taxes or fees. Such authority has been vested in the Anchal Panchayat. At present the following are the main sources of Panchayat revenues in West Bengal. These are :-

### *Sources of Revenue*

#### *Taxes :*

- |                   |                |
|-------------------|----------------|
| 1. Property tax   | } (compulsory) |
| 2. Profession tax |                |
| 3. Vehicle tax    |                |

#### *Fees or Rates :*

4. Cart Registration fees

<sup>3</sup> Fourth Five Year Plan—A Draft Out line pp. 213-214



5. License fees for cycle rickshaw
  6. Conservancy rate
  7. Light rate
  8. Water rate
- } If and when such services are provided

### *Other Sources*

9. Income from Pounds
10. Income from properties vested in the Gram or Anchal Panchayats.
11. Income from Nyaya Panchayats
12. Grants (General or for specific purposes).

We may further examine the actual performances of these bodies in the following figures revealed in the cyclostyled Annual Administrative Report of the West Bengal Panchayats for the years 1967-68 and 1968-69.

### *INCOME RESOURCES OF ANCHAL PANCHAYATS IN WEST BENGAL*

Year	No. of Anchal Panchayats in opeation	Total Income (Excluding Opening Balance)	Self-Taxation	Govt. Contribution	Other Sources	Average income per Anchal (self-taxation)
		Rs.	Rs.	Rs.	Rs.	Rs.
1967-68	2849	2,58,47,242.73	99,16,054.23 (38 %)	1,32,09,142.76 (51 %)	27,22,045.74 (11 %)	3,480.5
1968-69	2886	2,60,40,123.64	88,93,318.77 (34 %)	1,46,68,653.98 (57 %)	24,78,150.89 (9 %)	3,081.6

It may be observed that the average income of an Anchal Panchayat from self-taxation was Rs. 3480 and Rs. 3080 per year respectively for the financial years 1967-68 and 1968-69. If we calculate the average population of an Anchal Panchayat in West Bengal as 9000, the per capita incidence of taxation comes to 38.6 paise and 34.2 paise respectively.



### *Expenditure*

Remembering the aforesaid revenue position of the Panchayat areas, the expenditure pattern of these local bodies cannot be expected to be very happy. From a scrutiny of the Administrative Reports for the years 1967-68 and 1968-69 it is observed that while 76% and 79% of the total expenditure were spent on establishment charges (mainly for pay and allowances of Chowkidars and Dafadars and salary of the Panchayat Secretaries) the corresponding development expenditures were 24 and 21 per cent respectively. It is also observed that the average development expenditure on a Gram Panchayat was Rs.354.2 only. It can be easily understood how much benefit can be reaped from the aforesaid paltry expenditure.

### *Suggestions for augmentation of revenues*

In the context of various functions assigned to the Panchayat bodies and in view of their growing importance in the national planning there is urgent necessity for augmentation of their revenues. It is also apparent that this cannot be done by imposing taxes only. New sources of revenue have to be created other than taxes. These may be (1) Revenues from agricultural farming in lands vested in the Gram and Anchal Panchayats (2) Piciculture (3) Income from cottage and village industries like oil and rice mills,\* soap making, handicrafts, and production of consumer goods relating to our daily life.

Apart from this, Government has a special responsibility about proper functioning of these bodies. The duties that the Panchayati Raj bodies are at present performing and the duties that they have to undertake in future are part of the State or national functions. If the Panchayats fail to perform their obligations, the responsibility should be shared equally, if not more, by the State Government. Expert Committees have made specific recommendations for allotting either new sources of revenues like amusement tax, surcharge on land revenue and shares of motor vehicles tax or requisite grants to these local bodies. It is further suggested that while allotting grants Government should set apart certain grants as 'incentive contributions' for those Panchayat bodies who have either made i) improved collection (certain percentage to be fixed,) (or ii) have been able to collect gifts or donations like land, property, fishery or such other material resources or iii) have made a successful completion of a project within the scheduled time. These type of 'incentive grants' will create healthy competition amongst the village bodies and may release new energy in their work.

\*The author while visiting some Panchayats in Orissa in 1968 saw a 'ghanea oil mill' run on power and he was informed that 50% of the capital was contributed by the Panchayats of the locality and the rest by the Government.



The recommendations of the Kerala Taxation Enquiry Committee deserve mentioning—"A four fold approach is necessary for strengthening the financial position of local bodies to enable them to meet their obligations fully. First, the local bodies should be prepared to exploit to the fullest possible extent the tax sources placed at their disposal. Second, the State Government should devolve adequate sources of revenues to them . . . . Third, there should be a well-conceived system of grants-in-aid to meet the remaining gap in the source of local bodies. And finally, a suitable system of loan finance to meet their needs of development has to be designed".<sup>4</sup>

<sup>4</sup> Report of the Kerala Taxation Enquiry Committee, 1969, P 342.



## CHAPTER—IX

### DEVELOPMENT OF MUNICIPAL GOVERNMENT IN WEST BENGAL

It may be recalled that the present system of municipal Government was by and large introduced in this country by the British Government. The system was based on their own model. Prof. Venkatarangaiya while tracing the historical growth of the self-governing institutions in the early British period observes—"The situation in towns and cities was even worse. The tradition of Local Self-Government in Urban areas became weak even in the days of Mughal rule when all power came to be concentrated in the hands of the Kotwal and his sub-ordinates. At the time of the establishment of British rule there was no self-government in towns."

He further states that "when the British thought seriously after 1858 about the desirability of creating institutions of Local Self-Government they had no indigenous models to follow, They were able to start from a clean slate and proceed on their own lines."<sup>1</sup>

It may also be remembered that during the pre-mutiny period no serious attempt was made to introduce effective municipal Government outside the Presidency towns. Of course there was provision of municipal Government in miniature form in the Presidency towns like Madras, Calcutta and Bombay even from the beginning of the eighteenth century. Dr. Pillay writes—"Among, all the cities and towns of India Madras bears the unique distinction of having been the earliest to be established as a Municipal Corporation..... In 1688 a royal charter was procured by the East India Company for the organisation of a Corporation at Madras"<sup>2</sup> Similarly Municipal Corporations were created for Calcutta and Bombay by a Royal Charter granted in 1727.

#### *Local Taxation*

But, as stated earlier sufficient delay was made for having effective statutory bodies in the mufassil areas of this State. In the early British period there was provision of Town duties for the cities of Murshidabad, Dacca and Benaras. These duties were in the nature of Octroi and were prevalent even before the advent of the British rule. "It was only in 1813 that

<sup>1</sup> Prof. Mr. Venkatarangaiya—'Local Self-Government in India', Quoted from the Quarterly Journal of the Local Self-Govt. Institute, Bombay, Oct. 1960.

<sup>2</sup> Dr K. K. Pillay—'History of Local Self-Government in the Madras Presidency'—p. 45.



provision was made for using local taxation to meet local needs, because by Regulation XIII of that year Chowkidari Tax was provided for the towns of Murshidabad, Dacca and Patna, the proceeds of which were to be utilised for watch and ward in those cities. By Regulation III of 1814 and Regulation XXII of 1816 the provisions of that Regulation were extended to all towns within the divisions of Calcutta, Dacca, and Patna where Joint Magistrates were or might be stationed.....This Regulation was amended by Act XV of 1837 which appears to be the first Act to recognise the necessity of sanitation in towns, for it was declared lawful to appropriate a portion of the tax so levied to the purpose of cleansing and repairing the towns.....Till the passing of this Act there was no power of taxation or rating of inhabitants of towns for any local purposes other than police".<sup>3</sup>

#### *Act X of 1842*

It was in this background that the first Municipal Act (Bengal Act X of 1842) was passed for enabling the inhabitants of 'any place of public resort or residence under the Presidency of Fort William, not within the town of Calcutta, to make better provision for purposes connected with public health and convenience'<sup>4</sup>

But the scheme applied only to Bengal and rested entirely on a voluntary basis because it could take effect only on the application of two-thirds of the inhabitants and as the taxation was direct, the Act nowhere met with success. In actual practice 'it was introduced only in one town and there the inhabitants when called upon to pay tax not only refused but prosecuted the Collector for trespass when he attempted to levy it'.<sup>5</sup>

Due to its ineffective character the '1842 Act' was repealed in 1850. The next Act was the Act XXVI of 1850. This was an all-India measure. Historically speaking the beginning of municipal Government not only in Bengal but practically throughout India was made in 1850 when the 'Improvements of Town Act No. XXVI' was passed. The Act provided for constitution of Town Committees and was empowered to levy certain indirect taxes. "The main functions of those municipal Committees were to make better provision for making, repairing, cleaning, lighting or watching any public streets, roads, drains or tanks or for the prevention of nuisances or for improving the said town or suburb in any other manner. They were also empowered to raise monies necessary by house assessment or town duties or otherwise. The provisions of the Act were to be put in

<sup>3</sup> Dr R. Argal—'Municipal Government in India'. p. 4.

<sup>4</sup> The Imperial Gazetteer of India, Vol. IV. Clarendon Press, 1907. p. 286.

<sup>5</sup> Ibid ..... p. 286.



force in any town or suburb on an application of the inhabitants of the town or suburb or by the Governor or Governor-General-in-Council or Lt. Governor".<sup>6</sup> 'This Act was more successful than the Bengal Act of 1842 because of the provisions for indirect taxation. It was largely used in the N.W. Provinces and Bombay where its success was due to the fact that the taxes collected under it found their prototype in those levied by the Mahratta Government under the designation of town duties and 'Mohtarfa'.<sup>7</sup>

#### *Act XX of 1856*

The next was the 'Town Police Act XX of 1856', the main object of which was to provide for the payment of the Chowkidars. For the first time, by this Act an assessment according to circumstances and property was provided as an alternative to the rate on holdings. It be further noted that till 1856 there were altogether 3 Municipal Acts (Act X of 1842, Act XXVI of 1850 and the Act XX of 1856) and all these Acts were India Acts. Leaving aside the first infructuous Act, the object of the last two acts were primarily for the maintenance of watch and ward of villages and towns. This again is the brief history of the beginning of municipal Government in the mufasil and district towns of India in the pre-Mutiny period. For a better understanding of the subsequent stages of the growth and functioning of the municipal Government in this State, the discussion may be classified under the following broad heads :-

1842—1864 1st period

1864—1882 2nd period

1882—1919 3rd period

1919—1932 4th period

1932—Present time.

#### *Army Sanitary Commission Report*

'It was only in 1864 that the solid foundation of western style Municipal Government was laid in the soil of Bengal and also in other parts of India'. It may be recalled that it was one of the most hectic period in Indo-British relation. The bitter memory of the Mutiny was not yet over. The Company Rule had just ended. There was the historic announcement of 'good Government' by Her Majesty, the Queen. In Bengal the tyranny of the European planters in the matter of Indigo cultivation caused great

<sup>6</sup> Improvement of Town Act XXVI of 1950. Sec. II. Also Quarterly Journal of Local Self-Government Institute (Bombay), April, 1961. p. 505.

<sup>7</sup> Dr R. Argal—'Municipal Government In India'—p. 5.



discontentment not only among the cultivators but it also stirred the Bengali intelligentsia deeply. As observed by Amit Sen—"This was due to the tremendous Indigo cultivation which swept like a tidal wave over the country in 1859-1860 and formed a striking landmark in the growth of Bengal's consciousness".<sup>8</sup> In 1861 the 'Council Act' was passed and thus paved the way for setting up councils in different Provinces of India. It was in this background that the report of the 'Army Sanitary Commission' was published in 1863. The question of providing towns with the conditions for good health and the need for more extensive municipal measures were raised prominently in the Commission's Report. The Commission was anxious that most of the towns of India were very dirty and this affected adversely the health of the troops stationed there.

Another important contributory factor in the growth of local Government in India was the chronic deficit in the Imperial finances. To relieve the Central budget of the financial difficulties, one of the important devices adopted was to transfer some sources of income of local character to local Government. In 1862-63 the Finance member Mr. Liang observed—"I am as strongly as ever in favour of the principle of local taxation for local purposes. In fact if this great Empire is ever to have the roads, the schools, the local police and other instruments of civilization . . . . it is simply impossible that the Imperial Government can find the money or the management".<sup>9</sup> Local Self-Government in India was thus the child of the financial difficulties of the Imperial Government.

#### *District Municipal Improvement Act, 1864*

Apart from those circumstantial contributions, there was a dire local need in Bengal which necessitated the creation of statutory local authorities. "A very fatal epidemic had shown itself in some of the villages of Presidency and Burdwan Divisions. In order to fight out this epidemic as also to remove dirt and nuisances from the mofassil towns a local authority was an urgent necessity". By the end of 1863 the Bengal Council sponsored 'the District Municipal Improvement Bill'. Sri Ram Gopal Ghosh, an eminent social reformer of the period and a member of the Council, characterised the Bill "as the most important Bill of the Session and it affected the interests of the entire community throughout the provinces of Bengal."<sup>10</sup> 'The District Municipal Improvement Bill' was moved in the Council on 14.11.1863. After some discussion it was referred to a Select Committee

<sup>8</sup> Amit Sen—"Notes on the Bengal Renaissance". pp. 38-39.

<sup>9</sup> A. C. Minocha—Quoted from 'Quarterly Journal of the Local Self-Govt. Institute, (Bombay) July-Sept. 1963, pp. 85-86.

<sup>10</sup> Proceedings of the Council of the Lt. Governor of Bengal, Vol. 1. 1862-1864. pp. 412-413.



on 12. 12. 1863. The Committee consisted of the Advocate General (Mr. Hob House), Maulavi Abdul Latif, Babu Prosonne Kumar Tagore and Mr. Cockerell (mover).

The report of the Select Committee was taken up for consideration on 20. 2. 1864 and the discussion was completed on 27. 2. 1864. The Bill received the assent of the Lt. Governor on 2. 3. 1864 and of the Governor-General on the 28th idem. Thus the 'Bengal Act III of 1864' better known as the District Municipal Improvement Act of 1864 came into operation.

### *Main Features*

The Act consisted of 88 Sections. The main features of this first effective Municipal Act of the Province deserve some mentioning.

In the short preamble the object of the Act was stated—'An Act to provide for the appointment of municipal Commissioners in towns and places in the Provinces under the control of the Lt. Governor of Bengal, and to make better provision for the conservancy, improvement and watching thereof and for the levying of rates and taxes therein'.

### *Objects*

Under the Act the Municipality had the following three-fold object for which funds can be spent. They were

- (a) Maintenance of Police ;
- (b) Maintenance, repair and cleaning of roads, drains and Tanks ;
- (c) Conservancy services.<sup>11</sup>

### *Municipal authorities*

The Municipal body was to consist of both appointed and ex-officio members and this number should not be less than seven. The appointed Commissioners should be residents of the locality. The ex-officio Commissioners were—(1) the Commissioner of the Division, (2) The Magistrate of the District (3) the Executive Engineer, (4) The Superintendent of Police. The District Magistrate was the ex-officio Chairman of the Municipality. There was a Vice-Chairman also.

### *Establishment*

The Chairman and the Vice-Chairman shall appoint all officers and servants of the municipality. They could also remove them.<sup>12</sup>

<sup>11</sup> Sec. XV of the District Municipal Improvement Act, 1864.  
<sup>12</sup> Sec. XXI of the District Municipal Improvement Act, 1864.



*Taxation*

A rate not exceeding 7 1/2 % on the annual value of holdings could be imposed. The Governor was authorised to impose carriage and horse tax and also taxes on elephants.<sup>13</sup>

*Powers of Borrowing*

Commissioners with the sanction of the Governor were empowered to raise loans and execute improvement works.

Particular notice may be made to sections LXX-LXXI wherein Commissioners could take action against owners or occupiers for not maintaining their private drain, cesspool or privy in a proper state. A fine not exceeding Rs. 50/- could also be imposed. In the Act the Commissioners were authorised to make bye-laws and to repeal, alter and amend the same under certain conditions.

*Observations*

Bearing in mind the period under which the Act was drafted it may rightly be observed—‘we regard the present Municipal Law, comparing it what has just gone before as another milestone gained on the road towards constitutional liberty..... Its provisions are definite, and they are conceived in a liberal spirit’.<sup>14</sup>

In spite of serious limitations of the Act it had been rightly appreciated thus—‘So it may be truly said that the municipal Government in Bengal as we know it, began with the District Municipal Improvement Act (Act III of 1864). It was a comprehensive statute with most of the matters included in subsequent Municipal Acts’.<sup>15</sup>

*Progress in Municipal Government*

It may also be observed that following the Report of the ‘Army Sanitary Commission’ in 1863 a series of municipal Acts were passed in different provinces of India. By 1869 there was the Bombay Act of 1863, the Lucknow Municipalities Act of 1864, the Punjab Municipalities Act of 1867 and N. W. F. P. Act of 1868. In Bengal between 1864 to 1880 i.e., the period prior to the historic Resolution of Lord Ripon there had been at least six Acts related to improvement and extension of municipal activities. Of these six, there were three amending Acts.

<sup>13</sup> Ibid ..... Sec. XXXI of the Act.

<sup>14</sup> Calcutta Review, 1866, Vol. XLII. p. 55.

<sup>15</sup> B. P. Singh Roy and S. M. Bose—Bengal Municipal Act, 1932 p. VIII.



Bengal Act of 1867 was an amending Act. It was meant for better regulation of police in towns and municipalities of Bengal.

*Bengal Act VI of 1868 :*

The purposes of the Act were to amend and consolidate regulation of the police in towns to which Bengal Act III of 1864 had not been extended and to provide for the conservancy and improvement of such towns. 'The Committee under the Act of 1868 consisted of not less than five persons, of whom not more than a third could be Government Officers. The only revenue provided was the personal tax 'according to circumstances and property', subject to a maximum for any one holding of Rs. 81/- per annum. A schedule containing elaborate conservancy provisions could be extended to any municipality by the Local Government but the powers conferred were to be exercised by the Magistrate, not by the municipal body. In fact, under this Act the Commissioners were merely a consultative body.'<sup>16</sup>

#### **Lord Mayo's Resolution of 1870.**

Incidentally it may be mentioned that a large amount of incentive came for the expansion of municipal activities from Lord Mayo's historic Resolution for the development of local self-government in India.<sup>17</sup> Lord Mayo was the Governor-General of India from 1869-1872. In his Resolution No. 3334 dated 14th December 1870 it was announced—'Local interest, supervision and care are necessary to success in the managements of funds devoted to Education, Sanitation, Medical Relief and Local Public Works. The operation of this Resolution, in its full meaning and integrity, will afford opportunities for the development of Self-government, for strengthening municipal institutions and for the association of Natives and Europeans, to a greater extent than heretofore, in the administration of affairs'.<sup>18</sup> The policy of the Government in the devolution of finance was—'The beginning of a system of local finance is thus to be found in the new system of provincial finance. Many of the present day problems of local finance vis-a-vis provincial finance are similar to those which the province had to face in their dealings with the Government of India'.

Of course this was not merely a benevolent move. 'The dominant motive of the reforms introduced by Mayo's Resolution, was, as ever, the

<sup>16</sup> B. P. Singh Roy and S. M. Bose—Bengal Municipal Act, 1932, P. IX.

<sup>17</sup> "Lord Mayo's famous Resolution of 1870 that employed for the first time the expression 'local self-government' and stressed the need for promoting municipal institutions. But it is essential to notice that Lord Mayo's scheme of local self-government was intimately connected with his proposal for financial decentralisation". Dr K. K. Pillay—'History of Local Self-Government in the Madras Presidency pp. 30-31.

<sup>18</sup> Lord Mayo's Resolution on Provincial Finance, 1870, Para 23.



the relief of the Imperial finances. In pursuance of the Resolution, a burst of legislation, aiming at the enlargement of powers and the extension of elective principle followed'.<sup>19</sup>

### *George Campbell's Municipal Bill of 1872*

In 1872 there was a comprehensive and consolidating municipal Bill which covered the existing municipal enactments into one compact Act. The Bill was adopted by the Bengal Council on 27. 7. 1872, and obtained the assent of the Lt. Governor (George Campbell) on 1. 8. 1872. But unfortunately some of the provisions of the Bill, particularly the mode the taxation, affected the interests of the Bengal Zamindars.\*

The Bill was vetoed by the Governor-General Northbrook on 30. 1. 1873.

Incidentally it may be observed that the Bill provided 'Elective principle' for the municipal Commissioners. Further, the objects or purposes for which municipal fund could be spent were enlarged. 'Municipal fund will be devoted to police and ordinary municipal purposes ; and it is proposed to permit of their expenditure on the maintenance of education and on the relief of exceptional distress'. Similarly there was provision for the rural townships (termed as Panchayats in the Bill). It was proposed that "Village fund in the third class municipalities shall be applicable to the payment of Chowkidars, to the maintenance of Pathshalas or rural schools and to the supply of drinking water".<sup>20</sup> Compared to the early Acts, the Bill certainly tried to introduce certain progressive reforms by enlarging the powers of the municipal authorities and extending the scope of their activities.

### *Act No. II 1873*

The Act provided that two-thirds of the Municipal Commissioners of a Town established under the '1864 Act' might, if the Local Government

<sup>19</sup> A. C. Minocha—'Finances of Local Bodies in Bhopal. Mahakoshal and Vindya Pradesh' Quarterly Journal of the Local Self-Govt. Institute, Bombay. July-Sept, 1963.

\*George Campbell was an unpopular Governor. People were suspicious about his activities. Apart from the Zeminders, noted public men also opposed the proposed 'Municipal Bill'. Babu Sisir Kumar Ghosh was one of them. Dr. B. B. Majumdar writes—'But it is curious to note that he (Sisir Kumar) opposed Sir George Campbell's idea of establishing rural municipalities in 1872. The real reason for such an opposition was not that he was against the idea of Self-Government in the sphere of local administration but that he was highly suspicious of any scheme originating from the brain of Sir George Campbell.'

(Dr B. B. Majumdar—'History of Indian Social and Political Ideas,' p. 134).

<sup>20</sup> Bengal Council Proceedings, 1871-1872. p. 113.



so permitted, be elected by the rate payers. The tenure of office of the municipal commissioners was fixed three years. One third of the commissioners would have to retire each year. Vice-Chairman on the permission of the Local Government might also be elected. The municipal fund might be applied to the establishment and maintenance of schools.

It may also be mentioned that on the basis of this Act 'elective system' was first introduced in the Serampore Municipality in 1873 and hereafter in Krishnagar on March, 1874 and in Burdwan Municipality on June, 1874.\*

#### *Act IV of 1873*

In 1873 there was another Act relating to extension of municipal activities. This was the 'Birth and Death Registration Act' (Act IV B. C. of 1873). The Act provided that for the purpose of the municipal improvement the commissioners (administered under Act III of 1864) might resolve in a special meeting to arrange for the registration of birth and death occurring within the municipality. After adoption of such a resolution they were authorised to appoint a registration staff for the purpose.<sup>21</sup>

In 1873-74 there were four municipal Acts in the Province. Jamalpur was administered under Act XXVI of 1850, 69 towns were under Act XX of 1856 ; Act VI of 1868 had been extended to 92 municipalities while 25 enjoyed greater powers under Act III of 1864.

'The disadvantages of this diversity of constitutions were obvious and it was moreover complained that power was monopolised by the Magistrate and that there was very little self-government. Complaints against municipal taxation were common and the police charges, over which the commissioners had no control amounted to over one-third of the municipal revenues'. It may be recalled that in the infructuous municipal Bill of 1872 these four Acts were consolidated into one compact Act and some relieving features for the expansion of municipal activities were attempted.

#### *Act V of 1876*

In the circumstances a compact and comprehensive Act which would cover all the aforesaid municipal acts was an urgent necessity. Thus

\* Dr Argal writes "It was understood that there was no intelligent appreciation on the part of the rate payers of the franchise conferred on them. Elections in Bengal were a mere farce and the Lt. Governor was of the opinion that they had been prematurely introduced in India". Dr R. Argal—'Municipal Govt. in India' p 14.

<sup>21</sup> Sec. 12 of The Bengal Act IV of 1873.



further scope and advancement of municipal activities were noticed in the amended and consolidated Act V of 1876. The Act came into operation on 1. 7. 1876. Compared to the previous Acts, the 1876 Act was comprehensive and having larger provisions. It consisted of 378 sections having five chapters divided into 10 parts. The new Act repealed the various existing Acts dealing with different classes of towns and consolidated their important provisions in a compact form. The main features of the 1876 Act deserve mentioning. These are :—

#### *Four types of Municipalities*

Municipalities and lesser units of civic bodies (non-agricultural towns) were classified into four types of civic bodies. Those governed by 'Bengal Act III of 1864' became First class and those governed by 'Act VI of 1868' were termed as Second class municipalities (chapter II of the Act dealt with such municipalities). The towns still governed by Act XX of 1856 became Unions (chapter III) and those under Act XXVI of 1850 were called Stations (chapter IV of the Act).

#### *Municipal authorities*

The Board of Commissioners consisted of appointed, elected and ex-officio commissioners. There was enlargement in the number of Commissioners. As regards First class municipalities, the Act fixed the number of commissioners as 30 and 7 (maximum and minimum). In Second class municipalities the number ranged between 20 and 4.

It was provided that with the approval of the Lt. Governor all the commissioners could be elected. The mode of election, the number of commissioners and the qualifications of the candidates as also of the voters shall be determined by the Lt. Governor. It was also provided that 'the elective system shall not be introduced unless the Magistrate certified that at least one-third of the rate-payers residing therein had signed a petition praying for such introduction'.<sup>22</sup>

#### *Conduct of business*

In the Act clear provisions were made for the first time for mode of conducting the business of the municipality. These included convener of the meeting, nature of the meeting (ordinary, special or requisition), President of the meeting, casting vote and procedure for preserving the minutes of the proceedings.<sup>23</sup>

<sup>22</sup> Sec 16 of Act V of 1876

<sup>23</sup> Ibid. Sections 40-45 of the Act.



*Objects and Purposes*

Like the previous Act the maintenance of police was still a first charge on the municipal fund. In regard to the scope and purposes for which municipal fund could be applied there were nine such items. Noticeable among them were the establishment and maintenance of schools, hospitals, including dispensaries, promotion of vaccination and supplying of water and lighting and watering of roads etc.<sup>24</sup>

*Ward Committees*

There was provision for Ward Committees. The committees might consist of commissioners or outsiders wholly or partly. Powers of the commissioners (as provided in the Act) could be delegated to these committees by the commissioners at a meeting and could also be withdrawn. The decisions of the Ward Committees were subject to the control and revision of the municipal board.<sup>25</sup>

*Qualifications and Removal of a Commissioner*

Excepting Ex-officio commissioners, no person who was not owner or occupier of land in the municipality could be elected or appointed a commissioner in such municipality.

The Lt. Governor on the recommendations of the commissioners might remove any commissioner (appointed or elected) if such person shall have been guilty of misconduct in the discharge of his duties or of any disgraceful conduct. Any commissioner who had failed to attend 6 consecutive meetings of the commissioners without previous permission and any commissioner who had been sentenced to imprisonment should cease to be a commissioner.

*Municipal Taxation*

Part IV of the Act dealt with municipal taxation, provisions for assessment and Review. Under the Act the commissioners might impose with the sanction of the Lt. Governor any one of the following taxes :-

(a) A tax upon persons occupying holdings within the municipality according to their 'circumstances and property'. There was a provision that the amount assessed in respect of the occupation of any one holding should not be more than eighty-four rupees per annum ; or

<sup>24</sup> Sec. 60 of Act V of 1876.

<sup>25</sup> Ibid—Sec. 50—53 of the Act



(b) A rate not exceeding seven and half per centum on the annual value of all holdings situated within the municipality. It was also provided that in the case of the municipality of Dacca such rate should not exceed ten per centum. Holdings of which annual valuation was less than six rupees were exempted from imposition of any rate.

Apart from any of the aforesaid taxes the commissioners at a meeting might also levy with the sanction of the Lt. Governor the following tax, fee and tolls within the limits of the Municipality. These were --

- (a) a tax on carriages, horses and other animals
- (b) a fee on the registration of carts
- (c) tolls on ferries, bridges and metalled roads.

The Act also stipulated that the commissioners should prepare a valuation and rating list on the basis of the rate already determined by the commissioners at a meeting. It was also provided that the Chairman should publish the assessment list.

#### *Review Committee*

These was also provision for a Review Committee. The committee consisted of not less than three commissioners. All of them were appointed by the Chairman. The committee heard and determined all review petitions. The decision of the committee was final.

Part IX of the Act further provided that the commissioners at a meeting might with the sanction of the Lt. Governor provide land for the municipal markets and could also charge rents, tolls and fees for the vendors for such markets.

#### *Act VI of 1878*

In 1878 certain modifications were made in the 1876 Act. All first class municipalities under this Act were empowered to take over the cleaning of private privies and cesspools. They were further empowered to impose a 'latrine rate' for the cost of such work.

Incidentally it may be mentioned that these reforms and extension in the 'Municipal Government' were not done merely at the instance of some good and benevolent English executives. Undoubtedly they had important contributions in the matter. But it must not be forgotten that there were agitations throughout the country for reforms—particularly for acceptance of Indians in all spheres of public life. In the post-mutiny period some of the these agitations were mainly led by the 'British Indian



Association'. "But it was essentially and by its creed an association of landholders. There was the clear need for another political association on a more democratic basis".<sup>26</sup> In July, 1876, such a body under the name and style of the 'Indian Association' was created. As observed by Sir Surendranath Banerjee—"It soon focussed the public spirit of the middle class and became the centre of the leading representatives of the educated community of Bengal."<sup>27</sup>

### III Period—1882-1919

We were so long tracing the history of the second period of this discussion i. e. the period between 1864 to 1882. The third stage begins with the historic announcement of Lord Ripon on 'Local Self-Government'. In 1880 when Lord Ripon came to India as Governor-General he found much bitterness and discontentment existing in the country due to repressive policy pursued and administrative blunders committed by his predecessor, Lord Lytton (1875-80). In this background, therefore, 'his policy of a spectacular advance in local self-government, though partly as a result of his well-intentional liberalism was intended also in part at least, to assuage the exasperated sentiments of nationalist India'.<sup>28</sup>

#### *Ripon's Resolution of 1882*

Lord Ripon's epoch-making Resolution of Local Self-Government was announced on 18th May, 1882. The Resolution inter alia stated—"it is not primarily with view to improvement in administration that this measure is put forward and supported. It is chiefly desirable as an instrument of political and popular education". The main points of this new policy were—(i) Increasing the non-official element; (ii) Substitution of non-official as Chairman; (iii) Control from without rather than from within; (iv) The devolution of finance and power. Based on this policy the major recommendations of the Resolution were :—

- (1) Local Boards were to be developed not only in towns and cities but throughout the country; and they were to be charged with definite duties and entrusted with definite funds. The area of jurisdiction allotted to each Board should in no case be too large. Over these Boards, District Boards were to be set up with certain controlling powers.
- (2) In no case the official members to be more than one-third of the whole.

<sup>26</sup> Surendranath Banerjee—"A Nation in Making" p. 37.

<sup>27</sup> Ibid—..... p. 39.

<sup>28</sup> M.P. Sharma—"Local Self-Government and Finance", (Allahabad,) 1946 p. 5.



- (3) The non-official members should be selected on the system of election as widely as local circumstances may permit.
- (4) Wherever practicable non-official persons should be appointed Chairman of Local Boards—both rural and urban.
- (5) It was recommended that the control over the Local Boards should be exercised from without rather than from within. The Government should revise and check the acts of local bodies but not dictate them.
- (6) Local Bodies should have elastic and sufficient financial resources. They should have freedom to shape their own budget.

It may be recalled that from the context of Local Self-Government in India, Ripon's Resolution of 1882 marked a new era. Some have characterised the 'Resolution' as the Magna Charta of Municipal Administration in India. Incidentally it may be observed that Lord Ripon's name was also associated with another memorable event. On assumption of office he repealed the ill-famed 'Vernacular Press Act' of his predecessor Government which tried to throttle the rising public opinion in India.

It is interesting to note that prior to the Government of India's Declaration of May, 1882 a memorandum was drafted in a public meeting at Calcutta organised by the 'Indian Association' on 18.2.1881 making almost similar demands as were recommended by Ripon.

To give effect to the policy contained in the Government's Resolution many Acts were passed in various provinces. A wide extension was given to the elective system and every municipal council was permitted to elect non-official Chairman; arrangements were made to increase the financial resources and responsibilities of the Councils.

#### *Bengal Municipal Act, 1884*

In Bengal, a comprehensive Act known as 'Bengal Municipal Act of 1884' was passed. The Act consisted of 267 sections and six schedules. Compared to the 1876 Act, the new Act further extended the principle of 'Local Self-Government' based on the policy enunciated by the Government of India. The 1884 Act abolished all distinctions between municipalities while retaining safeguards provided in the first and second schedule of the Act. Provision was made for electing two-thirds of the Commissioners, and the control of the Local Government or Divisional Commissioner was substituted for that of the District Magistrate. The main features of the Bengal Municipal Act, 1884 were thus :—



*Features of the Act :*

(1) Election by rate payers of two-thirds of the municipal Commissioners. The remaining one-third by nomination ;\*

(2) Provision of Elected Chairman (barring certain municipalities as mentioned in schedule II). Vice-Chairman could be elected in all municipalities.

(3) Municipalities for the first time were relieved from maintaining 'Police charges' for the town.

(4) In the Act the maximum and minimum number of Commissioners i.e. (not less than 9 and not more than 30) had been clearly stated.

(5) The provision of ex-officio Commissioners, unlike the previous Act, was abolished. Sec. 14 of the Act restricted the number of Commissioners holding salaried offices under Government to one-fourth.

(6) Unlike the previous Act (Act V of 1876) the new Act enlarged the power of the Commissioners in regard to taxation. For the first time municipalities were allowed to impose water rate, light rate and 'a fee for cleaning the latrines' under certain conditions. In regard to 'Tax upon persons' the provision was made clear and distinct.

(7) Regulations were introduced but these were not applicable to all the municipalities.

It may also be mentioned that the framework of the Act of 1884 was not greatly different from that of the Bengal Act V of 1876.

(8) The purposes for which municipal fund could be applied were almost similar to those of the 1876. These were 9 in number and are mentioned below :—

- (a) Construction, and improvement of roads, tramways, bridges, gardens, tanks, drains, privies etc.;
- (b) The supply of water and the lighting and watering of roads;
- (c) The erection and maintenance of office and other buildings required for municipal purposes;
- (d) Other works of public utility;

\* There were 128 Municipalities under the new Act. Excepting 16 of these, the system of election was introduced for others. (the names of these 16 municipalities were stated in schedule I).



- (e) Construction and repair of school houses and establishment and maintenance of schools wholly or partly by means of grants-in-aid;
- (f) The establishment and maintenance of hospitals and dispensaries;
- (g) The promotion of vaccination;
- (h) The maintenance of fire-brigade;
- (i) And generally to carry out the purposes of the Act.<sup>29</sup>

In the old Act under Sec. 61 (3), the Commissioners had to 'erect and maintain police stations'. This was abolished in the 1884 Act. Again the maintenance of fire-brigade was an additional item in the new Act.

As in the previous Act, in the new Act also there was a mandatory provision wherein the Commissioners before undertaking the aforesaid purposes had to set apart Municipal Fund annually for the following three objects :—

- (a) Payment of interest charges (on any loan contracted by the commissioners).
- (b) Municipal establishment charges.
- (c) Cost of Audit charges (This was a new provision).<sup>30</sup>

It may be recalled that in the 1876 Act the first mandatory charge on Municipal Fund was 'to provide for the maintenance of the municipal police force'. As already noted this reactionary measure was abolished in the 1884 Act.

### *Observations*

It is noticeable that within a span of twenty years (1864-1884) there was considerable progress of 'municipalisation' in this country. The power and control of the municipal authorities were largely extended. Instead of ex-officio and appointed commissioners there was now elected commissioners to the extent of two-thirds of the whole body. Barring 16 municipalities, elected Chairman replaced the system of 'Ex-officio and appointed Chairman'. It cannot be denied that relieved of 'official control' (to a considerable extent) the municipalities had a fresh and free outlook.

<sup>29</sup> Sec 69 of the Bengal Municipal Act, 1884.

<sup>30</sup> Ibid—Sec 68 of the Act,



Judging from the extension of purposes for which municipal fund could be applied it might be guessed that there was expansion of 'urban life' and new consciousness amongst the people for associating a civic body with such activities.

In regard to the effect that followed Lord Ripon's Resolution in different Provinces of India a commentator had observed- 'Following Ripon's Resolution the main developments in Local Self-Government and finances that took place were :- 'transfer to police to Provincial Government, growing importance of grant-in-aid, separation of budgets of District Boards from Provincial budgets, considerable expansion in local revenues and expenditure, and accumulation of large balances on account of bad budgeting and financial conservatism'.

It has already been observed that in the post-Ripon period municipal legislations were undertaken in different provinces. In Bengal prior to the 'Bengal Municipal Act, 1932' several amendments were made supporting to extend the scope and activities of the Municipal authorities. There was also extension of municipal franchise.

Incidentally it may also be mentioned that side by side with extension of 'Municipal Government' in towns and cities, 'Self-Governing' bodies were also created for rural areas of Bengal. (Mentioned elaborately in previous Chapters).

In the case of municipalities it is noticed that till the Montague-Chelmsford Reforms there were at least 8 amendments to the Bengal Municipal Act of 1884. The salient points of these amending Acts may be briefly mentioned below --

#### *Bengal Act III of 1886 :*

By this Act sale of unwholesome food in municipal towns was prohibited. In the Act the municipal commissioners were given powers to inspect shops in municipal towns where the regulation of the sale of produce of such food was extended.

#### *Bengal Act of I of 1893 :*

Under the Act the commissioners were entitled to issue licenses for building up warehouses and for maintaining licenses for building up warehouses and for maintaining Fire brigade.

#### *Bengal Act IV of 1894 :*

Under the purview of the Act the commissioners were authorised for the establishment of 'Sanitary Boards' and also for making provisions



for preparation and carrying out of schemes of water supply and drainage under their supervision. The Act further empowered the Government for appointment of 'Assessors' in towns in which assessment was found to be unsatisfactory. The Act also granted powers to the commissioners to make 'Rules and Bye-laws' for the purpose of conducting meetings, for maintaining municipal proceedings and records, for electing Committees and for other purposes. They were empowered to revise and control building regulations, burial grounds and burning ghats.

### *Bengal Act II of 1896 :*

The Act extended the powers of the municipalities as to the purposes for which Municipal fund could be spent. These were vaccination, grant-in-aid for schools and the maintenance of hospitals. These became ordinary objects of municipal expenditures. The Act also made further extension in the matter of franchise.

### *Observations*

It may be recalled that inspite of the 'amendments' introduced from time to time the advancement of the municipal Government in this State as also elsewhere did not progress satisfactorily as was desired by the guiding policy of 'Local Self-Government' enunciated by Lord Ripon. There was official distrust. They were reluctant to hand over genuine powers to the people. Further, some of the supreme executives like the Governor-General and the Lt. Governors introduced various reactionary measures against the public which to a large extent nullified the faith and confidence which were created in the *early post-Ripon period*. In 1893 Sir Charles Elliot was the Lt. Governor in Bengal. He made serious attempts to curb the powers of the municipal Commissioners under the B. M. Act and also introduced a major revision of the Calcutta Municipal Act. It may be mentioned that due to tremendous public agitation the proposed amendment of the Bengal Municipal Act was subsequently withdrawn. Sir Surendranath narrates this event in his autobiography- 'The measure was reactionary, prompted by the official distrust of municipal institutions. Once a municipality was invested with the right of electing its own Chairman, the right, under the law in force, could not be withdrawn. It was now proposed under the amending Bill to vest in the Government the power of depriving a municipality of this right. Again, under the present Municipal Act, there can be no sub-division of a municipality without the consent of the Commissioners. They are the final authority in this matter. It was now proposed under the Bill to deprive them of these powers and make Government the Judge and arbiter in regard to



these questions". The dropping of this ill-famed Municipal Bill had been further reported by him—"He (Lt. Governor) and the Secretary of the State had agreed that the provisions to which exception had been taken should be dropped."<sup>31</sup>

It is also observed that towards the end of the 19th century the municipal advancement got a serious check at the hands of Lord Curzon. His viceroyalty is noted for excessive centralization. He was a firm believer that Indians did not possess that standard of efficiency and ability by which they may be entrusted with any considerable measure of self-government. "Lord Curzon did not believe in the policy of educating Indians for self-government as Lord Ripon had done. He did not wish to sacrifice efficiency in the present for efficiency and freedom in the future".

### *Demand for Self-Government*

Incidentally it should also be remembered that political situation in Bengal and in other parts of India during this period was extremely 'tense'. There was acute anti-British feeling in Bengal, particularly, amongst the intelligentsia as a result of Curzon's partition of Bengal (1905). In 1904 Rabindranath published his 'Swadeshi Samaj' and gave a call for reconstructing a new 'Pallisamaj' on the cult of self-reliance. In 1906 the Calcutta Session of the National Congress resolved among others—"The powers of local and municipal bodies should be extended and official control over them should not be more than what is exercised by the Local Government Board in Britain over similar bodies". After the stormy Surat Session of 1907 Indian National Congress declared 'Self-Government within the Empire was its goal'.

### *Decentralisation Commission*

Lord Curzon's policy of 'centralisation' and 'officialization' of administration precipitated a grave danger and was called a 'great mischief' by Viscount Morely, the then Secretary of State for India. As a result of his influence and disposition led to the appointment of a Royal Commission in December 1907 under the chairmanship of Charles Houhouse to suggest ways and means of relieving the Central Government of a large part of its excessive powers and entrusting them to local bodies. This Commission is popularly known as 'Decentralisation Commission' and its report was published in 1909. The recommendations of the Commission mark an important stage in the growth of municipal Government in India. The most important recommendations in regard to urban bodies were :-

<sup>31</sup> Surendra Nath Banerjee—'A Nation in Making' P. 119



(1) Municipalities should have full powers in respect of services assigned to them, namely, maintenance of roads, primary and middle vernacular education, medical work, vaccination, sanitary works ;

(2) A Municipal Council should ordinarily contain a substantial elective majority, nominees being only in sufficient proportion to provide for the due representation of minorities and official experience. Municipalities should elect their own Chairmen ;

(3) As regards finance, the municipalities should be given full powers in regard to taxation within the limits of the specific laws and should have complete control over their budgets ;

(4) A classification of all municipalities on population basis and greater powers to larger municipalities ; petty municipalities might be styled as 'Town Panchayats' and administered on simple lines ;

(5) The outside control over local bodies should take more the shape of advice and encouragement than dictation and forbidding.<sup>32</sup>

#### *Resolution on Local Self-Government-1915*

Government's reaction to the report of the 'Decentralised Commission' was not very prompt. Only during the First World War (that is, six years after the report was published) the Government policy in regard to Local Self-Government was announced. In the main, the Government of India accepted the proposals recommended by the Commission. On 28th April, 1915 the Government of India while expressing satisfaction in the progress so far made in the experiment on Local Self-Government pointed out certain difficulties which had been noticed by the Government. These were -

- (1) The smallness and inelasticity of local revenues ;
- (2) The difficulty of devising additional sources of taxation ;
- (3) The indifference prevailing in many places towards all forms of public life ;
- (4) The continued unwillingness of many gentlemen to submit to the troubles, expenses and inconveniences of election ;
- (5) The unfitness of those whom these obstacles do not deter ;
- (6) The prevalence of sectarian animosities ; and
- (7) The varying character of the municipal area.

<sup>32</sup> Ramayan Prasad—'Local Self-Government in Vindya Pradesh'—Quoted from Quarterly Journal of the Local Self-Govt. Institue (Bombay), pp. 514-515.



All these causes impeded free development of Local Self-Government. But on the whole Government of India declared unhesitatingly in favour of a general policy of further progress. The subsequent years noticed further expansion and devolution of power in the Local Self-Governing Bodies. It may further be mentioned that India made a positive contribution in the 'First World War' and with the cessation of hostilities there was expectation amongst the people that drastic reforms would soon be announced. Unfortunately the August announcement of 1917 by the British Parliament that 'progressive realisation of responsible Government in India as an integral part of the British Empire would be their basic policy', created deep frustration and discontent amongst the people. In the words of Tilak-'The Montagu scheme is entirely unacceptable'. In this background there was a fresh policy statement on 14th May, 1918 by the Government of India headed by Lord Chelmsford. Particular mention may be made in regard to some of the leading points of 1918 Resolution since they had a bearing on the future legislations to be enacted by the Provincial Councils. The following proposals in the Resolution may be noted :-

- (a) "There should be substantial elective majority both in municipalities and in rural boards;
- (b) Electorate should be increased by lowering the franchise qualifications;
- (c) Chairman of the Municipalities should be elected by the Boards and should ordinarily be non-officials ;
- (d) Municipalities to have liberty to vary taxation within limits prescribed by the law. Boards should have a free hand in regard to their budgets. The system of requiring local bodies to devote fixed portion of their revenues to particular objects of expenditure should cease;
- (e) If a municipal or rural board had to pay for a service it should control it;
- (f) Government should retain the power of superseding a Local body in cases of grave and persistent neglect of duty or abuse of power.

The Resolution favoured establishment of Village Panchayats on the lines suggested by the Decentralisation Commission mainly with a view to developing corporate life.



Local Government should lay down for municipal boards general rules in respect of municipal employees' leave, travelling allowances, Pensions, Provident funds and maximum salaries."

The proposals stated earlier, though mainly based on the recommendations of the Decentralisation Commission, discarded the halting attitude adopted in regard to them by the Resolution of 1915. During the succeeding years legislations were passed in different provinces based on the new policy statement.

#### *Fourth Period—1919-1932*

After the passage of the Government of India Act, 1919, a new era was started so far as 'Local Self-Government' was concerned. Under the new reforms introduced by the Government of India Act, 1919, Local Self-Government was a transferred subject under the control of an elected Minister. In 1921 Sir Surendranath joined as a Minister in the Bengal Cabinet to be incharge of Local Self-Government and Medical Department. The overall condition of the Bengal municipalities on the eve of the Montagu-Chelmsford Reforms can be understood from the Municipal Resolution of 1917-18. The Report indicated that 'there was satisfactory development in mill municipalities. Muffasil municipalities did not progress sufficiently. The other riparian municipalities call for no remark, their poverty preventing them from embarking on any ambitious schemes.'

#### *Bengal Municipal Bill, 1923*

A thorough revision of the 'Bengal Municipal Act' was already overdue. The last major enactment was made in 1884. In 1923 after the passage of the 'Calcutta Municipal Act' the Council took up consideration of the 'Bengal Municipal Bill' sponsored by Rastraguru Surendranath himself. In his introductory remarks he observed—"This Act (1884) was placed in the Statute Book so far back as the year 1884. In other words 40 years had elapsed since the enactment of the 'Bengal Municipal Act' and in the meantime vast and stupendous changes have taken place in our local conditions, in our sanitary ideals and in our general outlook in regard to public affairs".

He further observed—"The Bill which I have the honour to introduce is a progressive but not a revolutionary measure. We build upon the old foundations, but we broaden and still further liberalize them".

Unfortunately Sir Surendranath could not complete the discussion of the Bill. In 1924 Council election Surendranath was defeated and in August 1925 he died. In 1925 the 'Municipal Bill' was again presented



before the Council but could not be admitted due to the resistance of the Swaraja Party. In 1931 an Advistory Committee examined the Bill and it was introduced in the Council on the 1st April, 1932, by the Hon'ble B. P. Singh Roy, the then L. S. G. Minister. The Bill was adopted in the Council on the 6th September, 1932 and the Act was brought into force on the 1st December, 1932.

The short historical background of the municipal Government in West Bengal is now concluded. We now proceed to the discussion of the next stage—i.e. Bengal Municipal Act, 1932 and its working upto the present time.



## CHAPTER—X

### BENGAL MUNICIPAL ACT, 1932

#### *Main features of the B. M. Act, 1932*

Compared to the early municipal Acts of this State the 1932 Act is both comprehensive and voluminous. It comprises 557 Sections and 10 Schedules. The Sections are again grouped under 27 chapters. The Act is in operation for more than 40 years. There has been several amendments during the period. At present there are 89 municipalities and 3 Notified Area authorities in West Bengal.\* These are being governed by the provisions of the Bengal Municipal Act, 1932. Mention may also be made that Howrah and Garden Reach municipalities are also being concurrently administered by two other separate legislations, namely, 'The Calcutta Municipal Act, 1923' and 'the Garden Reach Municipal Act, 1923'. It may also be recalled that an Act (Howrah Municipal Act, 1965) has already been passed by the State legislature to create the third Corporation for the State consisting of Howrah and Bally municipalities. The proposed corporation could not come into operation due to orders made by the Hon'ble High Court.

#### *Hill Municipalities*

Unlike the previous Act a special chapter (Chapter XXIII) has been provided for Hill municipalities. The different provisions in the chapter deal with special problems concerning hill areas like roads, drains, safety of the hillside and related by-laws necessary for the purpose. There are 3 hill municipalities in West Bengal, namely, Darjeeling, Kurseong and Kalimpong.

#### *Notified Areas*

The Act provides a special chapter on Notified areas (Chapter III A, Sections 93A—93 J). This chapter has been added in 1960 (under Act XXV of 1960) to cover civic problems of some developing areas. There are at present 3 Notified area authorities in the State. These are Kalyani, Durgapur and Saltlake.

\* There are four types of Urban bodies in the State. These are—Corporations—2, Municipalities—89, Notified Area Committees—3 and Town Committees—5. The Town Committees are being administered under the Cooch-Bihar Town Committee Act, 1903.



### *Oath of Allegiance*

An Oath of allegiance to the Indian Constitution (prior to Independence, Crown of India) has been provided for every commissioner whether elected or appointed. The Oath has to be taken prior to taking his seat. A commissioner failing to make the Oath within 3 months from his date of election or appointment shall cease to hold his office.

### *Extension of Franchise*

Compared to the 1884 Act large extension of franchise has been made in the existing Act. In the present Act women were allowed for the first time to vote and to stand for election as commissioners. Since 1964 the system of adult franchise has been introduced in all the municipalities of West Bengal. It may also be recalled in the Chandrnagore Municipal Corporation the principle of adult franchise was adopted in 1956 (Chandernagore Municipal Act, 1955).

### *Reservation of Seats*

Reservation of Seats (commissioners) is made for Scheduled Tribes by mode of election. The number of such seats and their requirements are to be determined by the State Government.

### *Municipal Activities*

There has been large extension in the scope and activities of the municipal work for which money can be spent by the commissioners. In the 1864 Act there were three such objects, namely, (a) Police (b) Conservancy measures and (c) Cleaning of Roads, Streets, Tanks etc. Between 1864—1884 due to the process of urbanisation there was extension of municipal activities. Municipalities had to undertake new responsibilities like maintenance of fire-brigade, registration of births and deaths, provision of municipal benches for the trial of offences related to municipal Act etc. Of course due to strong resentment of the public municipalities were relieved from the maintenance of police charges. In the 1932 Act further extension of municipal activities had taken place. There are 34 such items included in the Act as objects and purposes for which municipal fund could be spent.<sup>1</sup>

### *Committee System*

There is provision for four types of Committees in the Act. These are :-

(1) Standing Committee, (2) Joint Committee, (3) Special Committee and (4) Education Committee. Standing Committees have specific

<sup>1</sup> Sec. 108 of the B. M. Act, 1932



roles to perform. The constitution, number and functions of these committees are being determined by the 'Rules of Business' of every municipality with the proviso that the number of commissioners in each such Standing Committee shall not be less than two-thirds of the whole number of commissioners and the number of outsiders other than commissioners shall be one-third of the same.

It is further provided that the commissioners at a meeting may delegate such powers to these committees as they decide and the proceedings of these committees shall be subject to modification and confirmation by the commissioners at a meeting.

### *Municipal Authority*

Under the Act the municipality has three types of authorities. They are -

- (a) The Municipality
- (b) The Chairman and
- (c) The Executive Officer.

The Municipality consists of a body of persons called commissioners who hold office normally for a period of four years. The number of commissioners for each Municipality is fixed. The commissioners are either all elected or appointed (in case of a new Municipality). An elected commissioner may be removed from office if such a motion is recommended by a resolution of the commissioners supported by a two-third majority only.

Excepting the municipalities of Darjeeling and Kalimpong (as provided in Schedule X) the Chairman of each municipality shall be elected by the respective elected or appointed commissioners. The Chairman holds office for a period of four years. An elected Chairman may at any time be removed from his office if a resolution to that effect is passed by the commissioners at a meeting supported by two-thirds of the total number of commissioners holding office for the time being.

### *Municipal Finance and Taxation*

The previous tax on person was abolished. It was difficult to assess the tax, and gave rise to widespread complaints of unfair incidence. The rate on holdings is a far more scientific and satisfactory form of taxation, and it has been adopted throughout.

The percentage at which the commissioners may levy holding, water, lighting and conservancy rates have been raised, while a new tax on trades,



professions and callings on a scale to be fixed by the commissioners and approved by Government and a tax on vessels moored at municipal ghats, have been provided.

### *Control by Government*

Section 549 of the Act provides, (in the event of specific default on the part of the Commissioners) that Government has power of appointing the Magistrate to perform at the cost of the municipal fund that duty in which default has been made.

Where there is persistent default, Government may take the extreme step of superseding the board of commissioners under section 552 of the Act.

### *Creation of Municipality*

The unit of local government for an urban area is a municipality. The State Government is empowered to constitute any town (with any contiguous area, if required) into a municipality by proper notification in this behalf. But no such notification shall be made unless the following conditions are fulfilled—(a) Three-fourths of the adult male population of the town are chiefly employed in pursuits other than agriculture ; (b) Such town contains not less than three thousand inhabitants ; and (c) the density of population of such town is not less than one thousand population per square mile.<sup>2</sup> It is also provided that the State Government shall consider objections, if any, made by the local inhabitants in regard to the said notification. The objections have to be submitted within three months from the date of publication of the notification. The State Government is further empowered to make all possible changes in the boundary of a municipality or even to withdraw any municipality from the operation of the present Act. But it is provided that prior to taking such measures the State Government shall take into consideration the views of the commissioners at a meeting of the concerned municipalities in this regard.

It is observed that the main consideration for the creation of a municipality is population. Possible income that may be derived from the concerning town is not considered as one of its basic conditions. It may be recalled that similar conditions (in regard to the creation of a municipality) are found in the contemporary municipal Acts of other States also. But some of the States like Madras, Andhra Pradesh, Kerala or U. P. have made specific provisions in this regard in their Acts or Rules. For instance the 'Madras District Municipality Rules' lay down that— 'the population of

<sup>2</sup> Sec 6 (1) of (i) the B. M. Act, 1932.



an area should be more than 20,000 and its annual income should be more than Rs 1 lakh before it can be constituted into a municipality'.<sup>3</sup>

Similarly, Andhra Pradesh has laid down the following criteria for conversion of Panchayats into municipalities— '(i) the Panchayats should have a population of not less than 20,000 ; (ii) its income should be Rs 1 lakh per annum ; and (iii) the village must have urban characteristics'.<sup>4</sup> In the context of the changed circumstances in the country, particularly, in consideration of the socio-economic development that have taken place even in our rural areas, it is expected that an urban body should provide certain minimum civic services to its inhabitants. It is thus felt that the existing criteria should be adequately modified. It is desirable that a municipal town should have a minimum population ranging between twenty to twenty five thousands. Similarly certain minimum income condition (at least Rs. 1 lakh annually) should also be laid down in order to make it economically viable.

### *Municipal Board*

In West Bengal the elected representatives who administer the municipal bodies are known as commissioners. In Calcutta and Chandernagore Corporation such 'elected' members are known as 'Councillors'. The 'commissioners at a meeting' constitute the municipal board (Council). The commissioners are to exercise authority over the administration of the municipality. Every municipal board is a body Corporate and is called after the municipality where it is located. It has perpetual succession and a common seal. The Act provides that the numerical strength of the board 'shall not be less than nine and not more than thirty.' The actual number of commissioners in a municipality shall be determined by the State Government. Thus the constitution of the municipal board differs from municipality to municipality. An analysis of the numerical strength of 75 municipal boards (out of 89) reveal that majority of the boards (57) have strength between 9 and 20 and in the case of 18 municipal boards the numerical strength is 20 and above. It is also interesting to note that out of 18 municipalities, 13 are located within the 'Calcutta Metropolitan District'. It is further observed that so far only three municipalities have been allowed to constitute the maximum strength of 30 members. These municipalities are Howrah, Hooghly-Chinsura and Berhampore.

<sup>3</sup> Quoted from the Report of the Rural-Urban Relationship Committee, Vol. II, P. 59.

<sup>4</sup> Ibid—P. 2 of the Report.



*Mode of Election*

In the present Act the commissioners are all elected. Since 1947 nomination system has been abolished. Previously, the commissioners were elected on the basis of restricted franchise. The constituencies were multi-seated. But after the introduction of adult franchise in municipal election of this State in 1964 important changes have taken place in the composition of the boards as also in their constituencies. In tune with the change in the mode of election and in order to give adequate representation to the urban voters the number of wards (constituencies) have been increased in all the municipalities of the State (excepting those where reconstitution of the boards have not yet taken place). The constituencies have also been made single-seated.

It is observed that there is no fixed quota of population for determining the number of commissioners in a municipality. Similarly, Wards have been reorganised without any rational principle in this regard. This has caused wide variation in the numerical strength of the municipal boards as also in the number of electoral constituencies. Some of these discrepancies may be observed in the following Table based on selected municipalities of the State :—

Name of the Municipality	No. of Population (1961 Census)	Prior to introduction of adult franchise. No. of Wards/Commissioners	After introduction of adult franchise. No. of Wards and Commissioners Same	Average No. of population per Commissioner
1. Baranagore	1,08,030	4/(29)	29	3725·1
2. Hooghly-Chinsura	83,104	6/(30)	30	2770·1
3 Kamarhati	1,28,382	4/(14)	25	5135·6
4. South Dum Dum	1,11,911	7/(19)	25	4476·4
5. South Suburban	1,85,811	6/(23)	26	7148·5
6. Serampore	91,580		28	3270·7*

An analysis of the Table may indicate that there is large anomaly in regard to representation of people in the different municipal boards of the State. According to 1961 census there are at least 10 municipalities where population have already exceeded more than 1 lakh but there is no uniformity in the constitution of these boards.

There is also no system of gradation (on income and population basis) as provided in some of the municipal Acts of other States. According

\*Source—Hand Book for Municipalities, L. S. G. 1966-67 and 1967-68.



to the Rural-Urban Relationship Committee "a categorisation of municipal bodies into suitable grades is inescapable, if any homogeneity in administrative services, civic facilities, tax resources, grants and the like within each grade is to be introduced."<sup>5</sup>

A rational and scientific principle has to be evolved in the matter of introducing gradation as also in fixing suitable criteria for the constitution of municipal boards. There are reasonable grounds for introducing gradation based on population and income derived from different municipal bodies. Mention may also be made that compared to other States municipal councils in West Bengal are of small-sized. Since the introduction of the Act there has been large increase in population practically in all the municipalities of the State. In the context of increased population the existing maximum strength (30 members) should be enhanced.\*

### *Tenure of office*

The Act provides that the commissioners shall hold office for four years. It is further provided that the term of office shall commence from the date of the first meeting of the newly formed body of commissioners after a general election of commissioners at which a quorum is present. The term of office of the commissioners of a municipality may be extended by the State Government. But the extension of the period shall not exceed two years in aggregate.<sup>6</sup>

### *Grounds of Disqualification*

The Act stipulates several grounds in regard to disqualification of a municipal commissioner. A person suffering from any of the disqualifications shall not be eligible for election or appointment as a commissioner. The grounds are—(a) of unsound mind or (b) under 21 years of age or (c) undischarged insolvent ; or (d) municipal staff or (e) having interest in any contract or employment with the municipality or (f) discharged insolvent but not obtained certificate in regard to nature of insolvency or (g) in arrears of payment of any rate or tax or (h) convicted by a criminal court for a major offence till the completion of five years from the date of expiration of the sentence.

### *Committee System*

There is provision for committee system in West Bengal municipalities. Committees may be broadly classified as (a) Statutory and (b) Non-

<sup>5</sup> Report of the Rural—Urban Relationship Committee, Vol. I, P 28 (Para 4-12).

\*In Andhra Pradesh the number of Councillors vary between 20 and 50, in Gujarat between 25 to 51, in Maharastra between 15 and 50,

<sup>6</sup> Sec. 56 of the B. M. Act, 1932,



Statutory. In the existing Act the Committees (excepting Education Committee) are of non-statutory type. In the 1884 Act there was provision for 'Ward Committees'—but these were abolished in the 1932 Act. The Act stipulates the following types of Committees, namely, (1) Standing Committee (2) Joint Committee (3) Special Committee, and (4) Education Committee.

### *Standing Committee*

Section 86 of the Act provides the terms, conditions and other relevant matters in regard to the formation of a 'Standing committee'. Standing Committees may be constituted by the municipal board at the commencement of the financial year. Its tenure is usually of one year duration. A Standing committee may consist of commissioners and outsiders. But according to the provisions of the Act the outsiders shall not exceed one-third of the total strength of the committee. Each committee elects its own President and Secretary. The proceedings of the Standing committees are subject to the approval of the commissioners at a meeting. The number of Standing committees to be formed in a municipality is determined by the 'Model Rules' of the respective municipality. Usually Standing Committees are constituted about Finance, Health and Sanitation, Public Works, Establishment, Transport, and other such related matters.

### *Joint Committee<sup>7</sup>*

A Joint Committee may be appointed in regard to combination of any municipality with any other local authority. The representatives of the two local bodies thus constitute a committee to administer a concern in which they are jointly interested. The commissioners of the two respective bodies may delegate necessary powers to the joint committee as they require for the purpose. The Joint Committee is empowered to frame its own rules. These types of committees are helpful in carrying out big schemes like Water Works or Sewerage or a good system of Drainage in which two or more adjoining local bodies are jointly interested.

### *Special Committee<sup>8</sup>*

A special committee may be appointed by the commissioners at a meeting by specific resolution to inquire into and report upon any matter which may arise in connection with any of the powers, functions or duties of the commissioners. Outsiders may be associated as members with any

<sup>7</sup> Sec. 87 of the B. M. Act, 1932.

<sup>8</sup> Sec. 89 of the B. M. Act, 1932.



special committee but their numbers shall not exceed one-third of the total strength of such committee. All proceedings of such a committee are subject to the approval of the municipal board.

### *Education Committee<sup>9</sup>*

It has already been indicated that formation of an Education committee is a mandatory provision of the Act. An Education committee shall consist of the following—(a) a nominee of the State Government (b) Not less than two and not more than four commissioners to be appointed by the municipal board from among themselves ; (c) Local residents (not more than three) appointed by the commissioners at a meeting. The Education committee shall supervise all schools, libraries and museums maintained by the municipality. The committee shall also determine rules and conditions for the distribution of grants to such institutions.

### *Observations*

It has already been noted that committees in West Bengal municipalities have no executive functions. They play an insignificant role in the municipal Government of the State. Their decisions are generally commendatory in nature. It is admitted that sufficient contribution was not made by the municipal committees in the progress of municipal work. There are several causes for the failure of the committee system in West Bengal. These are ; (a) Small-size of the municipal Council. The commissioners are reluctant to constitute Committees and to delegate their powers to the same; (b) Absence of tradition in the development of committee system ; It may be recalled that in the British period power was monopolised by the District Officer (in the garb of municipal-Chairman). Division of labour and delegation of authority amongst the members were not properly worked out. The legacy continued even in the post-Reforms period, (c) Delay in the progress of municipal work—It is complained that files move very slowly when referred to a committee.

The working of the committee system in other states of India is not encouraging. Incidentally it may be mentioned that in the 'Calcutta Municipal Act, 1951' Standing committees are assigned important executive functions. Similarly in the West Bengal Zilla Parishads Act, 1963 effective powers have been vested in the Standing committees, particularly in the Finance Standing committee. With proper modification of the existing Bengal Municipal Act committee system should be given a fair trial in the municipal Government of the State.

<sup>9</sup> Sec. 456 of the B. M. Act, 1932.



*Municipal Executive*

In the West Bengal municipalities the Executives are—(a) the Board of Commissioners (b) the Chairman and (c) the Executive Officer.

*Board of Commissioners*

In theory the municipal Council or the Board of Commissioners is the repository of all powers and authority. It has both legislative and executive functions. But the council meets only once in a month. In order to perform its day-to-day administration work the municipal board has to delegate some of its functions to statutory committees or to a single individual (President or Chairman as head of the institution) or to a salaried officer. In the Bengal Municipal Acts the committees do not enjoy any executive power. Thus power was shared between the Board of Commissioners and the Chairman. Again, in the pre-Reforms period the all powerful District collector wielded executive authority in the role of Chairman. These officials usurped some of the powers of the municipal board also. Clear demarcation of authority was never attempted. Even after the Government officials ceased to function the old practice continued. Of course, in the 1932 Act some new powers have been vested in the board of commissioners. Roy and Bose observes— 'In the new Act (1932 Act), the powers to be exercised by the 'Commissioners at a meeting' (Board), which cannot be exercised by the Chairman, have been to some extent increased. There are 129 sections and sub-sections of the Act dealing with such powers, and a detailed examination shows that in these cases there has been a departure from the old law, and to this extent the former power of the Chairman has been curtailed'.<sup>10</sup>

Some of the powers which are being exercised by the board of commissioners may be mentioned. Powers of appointment and dismissal, appointment of Committees, acquisition of property, issue of licenses and contracts, making of rules and bye-laws and powers in regard to budget making have been vested in the Commissioners at a meeting. The board determines the scale of establishment and fix salaries and allowances to municipal employees. The municipal board is also empowered to frame service-rules, rules relating to business of Commissioners and Committees and bye-laws relating to regulation of traffic, conservancy and drainage, buildings etc.

*The Chairman*

The Chairman occupies a pre-eminent position in the municipal Government of West Bengal. He is the supreme executive head of the

<sup>10</sup>Roy and Bose—Bengal Municipal Act, 1932, p. 45.



municipality. His functions are numerous. He not only guides the deliberations of the municipal board (council) but also executes their decisions and directives as the principal head of the municipal body.

### *Election and Tenure of Office*

The mode of election of both the Chairman and the Vice-Chairman is indirect. There is no special qualification for the office of the Chairman. Generally, the leader of the majority party or group is elected Chairman. As per provision of the Act the Chairman is elected\* by the commissioners from among themselves within 30 days from the publication of the general election result of the board of commissioners in the official Gazette.<sup>11</sup> It is also provided that if the commissioners fail to elect a Chairman within the stipulated period the State Government shall appoint by name one of the commissioners as the Chairman of the Board.<sup>12</sup>

It is further provided that a Chairman (elected or nominated) shall hold office for four years from the date of his election or nomination as Chairman.<sup>13</sup>

### *Resignation and provision for Removal*

A Chairman may resign before the expiry of his term by submitting necessary notice in this behalf to the board of commissioners.<sup>14</sup> There is also provision for removal. The Chairman may be removed by the board of commissioners. The removal becomes mandatory if a motion for such removal is adopted at a meeting specially convened for the purpose and supported by two-thirds of the total number of members of the house holding office for the time being. In case the number of members supporting the motion is less than two-thirds but more than half of such commissioners, the State Government may by order remove the Chairman.<sup>15</sup>

### *Remuneration and Allowances*

There is no provision for any fixed remuneration for the Chairman. Of course, he may draw travelling allowances for attending municipal duties within and outside the municipality.<sup>16</sup>

\* In the municipalities of Darjeeling and Kalimpong the Chairmen are appointed by the State Government. (Schedule X of the B. M. Act, 1932).

<sup>11</sup> Sec. 45(1) of the Bengal Municipal Act, 1932 as modified upto 1st January, 1966.

<sup>12</sup> Sec. 46(1) of the Act.

<sup>13</sup> *Ibid.* . . . Sec. 56(1) (b) of the Act.

<sup>14</sup> *Ibid.* . . . Sec. 60(2) of the Act.

<sup>15</sup> *Ibid.* . . . Sec. 61(2) of the Act.

<sup>16</sup> *Ibid.* . . . Sec. 64 and Rules 1, 2 and 4A of the Rules framed under B. M. Act, 1932.



and it is observed that compared to the provisions in the Bengal Municipal Act these are more clear and precise. It may also be mentioned that the Executive Officer is a mandatory provision in other States. The salaried officer shares some of the executive duties along with the municipal President. In West Bengal the appointment of Executive Officer, in normal circumstances, has been left to the discretion of the board of commissioners. It is understood that out of 89 municipalities in the State, so far only two municipalities namely, Howrah and South Suburban (Behala), maintain the services of an Executive Officer. Of course, the State Government may directly appoint an Executive Officer in a municipality. Under Sec. 67A there is such a special provision. The appointment under this section is treated as an instance of 'Partial Supersession' of the municipality. Attempt is now being made to examine some of the powers and functions which are being exercised by the Chairman of a Bengal Municipality.

On a closer examination of the Chairman's powers as provided in Sec. 51 it may be observed that the Chairman is empowered to exercise all those powers which have been vested in the 'Commissioners' in the existing B. M. Act. The Chairman is further empowered to exercise those powers and functions which have been vested in the commissioners in other Acts also. Of course, he cannot exercise those functions which have been clearly excluded from his jurisdiction by the commissioners at a meeting. Neither he has any authority to function by opposing any order of the commissioners at a meeting.

The board of commissioners may further limit the powers of the Chairman by delegating all or any of the powers of the commissioners as provided in the Act to the Executive Officer (under Section 67). And upon such delegation the Chairman shall cease to exercise those functions of the commissioners.<sup>17</sup>

Incidentally it should be pointed out that in the Act and Rules there are certain powers which have been expressly vested in the Chairman and it is obvious that in such cases the proviso of Sec. 51 does not apply. These powers are the prerogatives of the Chairman and he is the sole authority in their functioning.

- It is not possible to discuss in details all the powers which are being exercised by the Chairman on behalf of the board of commissioners. Only some broad fields are mentioned here :

*Re : Municipal Board*

The Chairman is the convener of all meetings of the board of commissioners (meetings may be Ordinary, Special and Requisition, if and when

<sup>17</sup> Sec.—51 (2) and 52 of the B. M. Act, 1932.



required).<sup>18</sup> In absence of the Chairman, the Vice-Chairman may also convene these meetings.<sup>19</sup> Generally, the Chairman has to preside over all meetings. As President of the meetings it is his prerogative to give rulings in all controversial matters. He maintains the minutes of all proceedings and submits the same to the District Magistrate within a stipulated period.<sup>20</sup> As the chief executive he executes and implements all the decisions and directions of the board of commissioners.

The Chairman prepares with the help of the staff the Annual Administration Report of the preceding year and shall submit the same to the State Government.

### *Establishment*

The Chairman has exclusive jurisdiction in the matter of appointment of staff receiving monthly salary of rupees fifty or below the said amount. He cannot, of course, dismiss any of them\* without the consent of the commissioners at a meeting.<sup>21</sup> He supervises the work of all officers and staff. They remain primarily under his control. He can reallocate their duties and if required may ask explanations from them. He may even suspend them subject to the approval of the Board.

### *Finance and Budget*

The Chairman prepares the Annual Budget (original and revised) with the help of the Secretary or the Accountant. It is also his statutory duty to publish the Budget estimates as per provisions of the Act and Rules and to submit the same to the higher authorities after due adoption by the board of commissioners.<sup>22</sup> All expenditure are being made under his orders. Issuing of tenders, signing of contracts and all other items of municipal work (as decided by the board of commissioners) are also the regular duties of the Chairman.

### *Taxation and Review*

The taxation policy of the municipality is being determined by the board of commissioners. But the Chairman has to look over the collection of rates and fess. Although under the Rules, the Vice-Chairman has been assigned certain duties in regard to the 'collection'. He does it on

<sup>18</sup> Sec. 77 and 78 of the B. M. Act, 1972.

<sup>19</sup> Ibid.....Sec. 79. of the Act.

<sup>20</sup> Ibid.....Sec. 84(2) of the Act.

\* Excepting municipal servants carrying monthly salary of rupees twenty and less.

<sup>21</sup> Ibid.....Sec. 66(2) and proviso of the Act.

<sup>22</sup> Ibid.....Sec. 112 and 113 of the Act.



the delegation by the Chairman. The Chairman may also delegate these duties to the Executive Officer or to the Secretary. The Chairman has exclusive authority in the matter of the publication of the assessment list. He shall sign it and shall publish it for inspection of the public.<sup>23</sup> Similarly he has the prerogative right of becoming a member of the 'Review Committee' for hearing and for the purpose of determining the objection cases by the Committee formed under Sec. 149 of the B. M. Act.

### *Other Functions*

The Chairman has to deal with all building plans. He has to examine the reports submitted by Public Works Department in regard to new Building Plans. Under Sec. 330 and 331 the Chairman on behalf of the board of commissioners may also order for demolition or alteration of buildings on certain grounds as provided in the Act.

Under Sec. 333 the Chairman may stop execution of unlawful and unauthorised constructions. If required, he may also take the help of police in the matter.

But he can not start any prosecution cases for the aforesaid offences without the order or the consent of the commissioners at a meeting.<sup>24</sup>

### *Observations*

It has been already indicated that the Chairman as the municipal head enjoys enormous authority and power. It is obvious that so long he commands majority vote in the house he can safely exercise these powers. In between the meetings of the board of commissioners, the Chairman is the supreme authority. He is the grand mughal of the municipal Government. In the existing Bengal Municipal Act the Chairman has no rival as yet (in normal circumstances) who can challenge or share his powers and authority. The Vice-Chairman shines practically in the light of the Chairman. Under the Act the Vice-Chairman does not enjoy any power so long power is not delegated to him either by the Chairman himself or by the board of commissioners.

Compared to the municipal bodies in other States in India the position and powers of the Chairman in West Bengal is something unique. In other States the office of the Executive Officer in the municipal institutions is more or less a permanent feature. He shares to a large extent the powers of the president (Chairman re-named as President of the municipal council).

<sup>23</sup> Sec. 147(1) and (2), of the B. M. Act, 1932.

<sup>24</sup> Ibid. . . . . Sec. 332 of the Act.



The President's position in the changed circumstances has become more deliberative than executive. In West Bengal necessary modification of the Chairman's power has become an urgent necessity.

### *Proposals for Reform*

It has already been indicated that the position of the municipal Chairman in West Bengal is unique. There is neither provision for statutory Committee System (sharing executive powers) nor there is mandatory provision for the appointment of executive officer. Even though the Chairman enjoys considerable power he has to depend on the sweet-will of the board for his existence. He has to carry out the directives of the board in all policy matters. It has also been pointed out that it is hardly possible for the Chairman, particularly in a big municipality, to cope with the growing volume of work. Serious complaints have also been made that the existence of part-time political Chairman as the principal executive is one of the major causes for 'low collection' in Bengal municipalities. Several proposals are suggested for improving the efficiency of the administration as also relieving the Chairman from some of his responsibilities. These are—(1) to create a Cabinet form of municipal government; (2) to continue the present system of part-time Chairman with the provision of board-appointed Executive Officer; (3) to separate the executive and the deliberative wing—the Chairman along with the board of commissioners will constitute the deliberative-cum-legislative wing.

### *Municipal Cabinet*

There is a proposal to constitute cabinet form of government in municipalities like the State or the Union Cabinet. The Chairman as the leader of the majority party may constitute the municipal cabinet with 3 or 4 commissioners as members. All executive powers and functions would vest entirely in the cabinet. The board of commissioners would be concerned with legislative and deliberative functions. Formation of the municipal cabinet will lessen the existing burden of the Chairman. There will be team work and sharing of responsibilities. Prof. Abhijit Dutta while sponsoring this type of 'municipal cabinet' observes—'since the success of the cabinet system depends on political homogeneity, this would not only recognise the discipline of party system, but would also demand a responsible opposition ready to offer alternative policies and exercise necessary vigilance. The system also has the advantage of being similar in nature to governments at the State and national levels'.<sup>25</sup> In spite of certain positive merits in the scheme there are practical difficulties in

<sup>25</sup> Abhijit Dutta—'Urban Government, Finance and Development,'—P 152.



its implementation. (a) There is absence of healthy party functioning in the local bodies. Municipal elections are contested on individual merits rather than on party manifestoes ; (b) Cabinet system demands perfect loyalty to the leader and close co-ordination amongst the members. Such tradition has not yet developed in local sphere ; (c) The scheme may be implemented only in big municipalities. In West Bengal, municipalities are generally of small-sized ; (d) the introduction of cabinet system may create unhealthy rivalry and jealousy amongst the party members ; (e) and lastly, there is absence of well-organised opposition party in municipal sphere.

#### *Chairman and Executive Officer*

In the second alternative it is suggested to provide a permanent Executive Officer while retaining the present system of part-time Chairman. The Executive Officer will be appointed by the board of commissioners and he shall be accountable to them for his work. In this system the Executive Officer shall share some of the executive powers and functions of the Chairman. The staff and the collection department may be entrusted to the concerning officer, The system may be more acceptable to the municipal boards compared to the existing provision of Government appointed executive officer under Section 67A of the Act. The recommendations of the 'Rural-Urban Relationship Committee' may be mentioned in this behalf—'The Committee is definitely of the opinion that the Executive Officer must have complete control over the staff and substantial independence in dealing with executive matters. Nevertheless, in view of the limited resources of the municipal councils and the scarcity of efficient personnel, the committee do not recommend the separation of deliberative and executive functions as in the case of corporation . . . . . The Executive Officer must accept the Chairman as his leader and the Chairman must give full scope to the Executive Officer to work with freedom'.

It can be easily understood that the scheme can only operate if there is mandatory provision in the Act that the board of commissioners will have to appoint such an officer with necessary powers as stated earlier. The scheme may be given a fair trial in municipalities having income between four to five lakhs.

#### *Separation of Executive and Deliberative Wing*

The third proposal is to separate the executive wing from the deliberative wing. This type of administration is found in the corporation form of Local Self-Government. In this scheme the Chairman along with the board of commissioners may serve as the deliberative-cum legislative part of the municipal administration. Policy formulation, framing of



bye-laws and rules relating to establishment, formation of committee, adoption of budgets and giving approval to other taxation measures will be the responsibility of the board. The Executive Officer shall be responsible for the administration of municipal activities. He shall be appointed by the State Government but he is subject to the general control of the Chairman and the board. The Executive Officer may attend the meetings of the municipal commissioners and can also take part in the discussions without having any right to vote. Ordinarily he shall carry out all the decisions adopted by the board of commissioners. In this scheme the Chairman's power will be curtailed to a large extent. Besides presiding over the meetings of the board of commissioners, the other duties of the Chairman will be co-ordination and to watch over the financial and executive administration of the board. Although no uniform practice is found in the matter of municipal executive in the different states of India it may be observed that the appointment of Executive Officer has been accepted as a principle in majority of the states. It is suggested that the separation of the executive and deliberative wing may improve the efficiency of the municipal administration. But it is also feared that excessive dependence on officials may hamper the cause of local democracy. After adoption of the principle of adult franchise in the local bodies the same electorates now elect the Local, State and the Union Executives. In the circumstances it is difficult to prescribe a different norm for the local institutions. In West Bengal the second proposal may be more acceptable to the municipal boards compared to the other two.

### *Executive Officer*

There is provision for Executive Officer in the present Act. But the appointment of such an officer is not mandatory unless the State Government may make necessary direction in this behalf. An Executive officer may be appointed under the direction of the State Government under three stages :—(1) In the public interest the State Government may require the commissioners of any municipality to appoint an Executive Officer within a specified time. His salary and other allowances will be determined by the municipal board subject to the approval of the State Government ; (2) In case the commissioners fail to make the appointment of such an officer within the stipulated time the State Government may make the appointment of the Executive Officer and fix his terms and conditions of service (including salary) ; (3) There is also provision for direct appointment of an Executive Officer by the State Government. It is provided that if in the opinion of the State Government the affairs of a municipality (a) are not properly managed, or (b) cannot be managed in accordance with law, the State Government may make proper notification in this behalf and shall appoint an Executive Officer for the said municipality for a specific



period. The salary and allowances of the concerning officer shall be determined by the State Government and have to be paid from the municipal fund. It is further provided that an Executive Officer appointed under Sec 67A shall enjoy such powers of the Chairman or of the commissioner as may be conferred on him by notification in this behalf ; after such notification the Chairman or the commissioner shall cease to exercise such of their powers as have been conferred on the said officer. The terms and conditions of service of the concerning officer shall also be determined by the State Government.

### *Observations*

It may be mentioned that the appointment of Executive Officer under the direction of the State Government, particularly, the appointment of such officer under Sec. 67A is treated as partial supersession of the municipality. The provisions for compulsory delegation of powers by the municipal board to an Executive Officer (by modification of Sec. 67) as well as for a Government appointed Executive Officer (under Sec 67A) were made in 1955 by an amendment of the municipal Act. It may be recalled that there was large scale agitation against the amendment. In 1954 the 'West Bengal Municipal Association' strongly condemned the Municipal Bill which contained the provision of State appointed Executive Officer. The Association questioned the justification of this measure. The provision was also criticized on the ground this might be useful instrument in the hands of the ruling party to control municipal boards dominated by parties having different political views. It is interesting to note that after installation of the new Congress ministry into power so far Executive Officers have been appointed under Sec. 67A in 21 municipalities of the State. It may also be mentioned that majority of these municipal boards were left dominated and 'all the powers' of the commissioners (instead of 'such powers') have been conferred on the Executive Officers. Thus the board of commissioners exist only in paper having no power and authority. This is a peculiar measure unprecedented in the history of local self-government.\* This action on the part of the State Government has been rightly questioned. The critics point out why these boards have not been superseded under Sec 553 of the Act if the Government were of opinion that the commissioners of the said municipalities were 'incompetent or in default or had exceeded or abused their powers'. Had the authorities any doubt in regard to their action ? Were they afraid of any legal challenge ? It is understood that a Rule has recently been issued in favour of Raniganj Municipality questioning the validity of the appointment of such Officer under Sec. 67 A.

\*Further, such denial of democracy is quite reversal of the policy of democratic decentralisation of power.



## MUNICIPAL FINANCE

Chapters IV, IVA and V of the existing municipal Act deal with municipal finance and taxation matters. In Chapter IV (Sections 94-122) municipal fund, purposes for which municipal fund can be spent and provisions in regard to budget have been provided. Chapter IVA deals exclusively with the appointment of the Auditor, Audit Report, provisions for surcharge and other relevant issues. This is a new chapter and was added by Section 30 of the Bengal Municipal (Amendment) Act, 1955. Chapter V (Sections 123-215) provides municipal taxation, appointment of Assessor, assessment list, Review Committee and such other related matters. Compared to the 1884 Act, the provisions in regard to municipal budget and taxation in the 1932 Act have been made more elaborate and extensive. The powers of the municipal board are also sufficiently enlarged in this regard.

*Municipal Budget*

Budget making is one of the important functions of a municipal body. The Acts and the Rules lay down the general principles to be followed in the preparation of the budget. The authorities have to prepare two budgets in a year, these are (1) Original and (2) Revised. The same procedure is followed in both the cases. There are four stages in the Budget procedure, namely, (1) Preparation, (2) Publication (3) Adoption and finally (4) Submission of the budget to the Government.

*Preparation of the Annual Estimates*

Sec. 112 of the Act provides, 'at least two months before the close of the year, the commissioners shall have prepared a complete account of the actual and expected receipts and expenditure for that year together with budget estimate of the income and expenditure of the municipality for the next year.' This is the 'Original Budget' of the municipality. There is a prescribed form for the purpose of framing the budget and different heads are to be entered in the said form. The next stage is the publication of the budget. Sec 113 provides that the copies of the accounts and estimates including translations of the same in the local vernacular shall be lodged in the office of the commissioners. The estimates shall remain there for a period of fourteen days after such publication and shall be open to inspection by the rate-payers of the municipality. The citizens have the right to submit their suggestions in regard to the estimates which will be considered by the commissioners at a meeting. The budget estimates thereafter (along with any written suggestions) are being considered in a meeting of the board at least one month before the close of the financial year. After necessary consideration, the estimates are being adopted in the meeting and



the same shall have to be submitted to the State Government. In case of indebted municipality the State Government may direct that the budget of the said municipality shall be subject to the sanction of the State Government.

The Revised Budget has to be framed 'as soon as may be after the first day of October.' The other stages in the Revised Budget are the same as in the case of the Original Budget.

### *Observations*

It is observed that in the Bengal Municipal Act the responsibility for framing and publication of the budget estimates has been vested in 'the commissioners' (Chairman). There is neither mention of any Standing committee nor of any particular officer in this regard. In other Municipal Acts specific responsibilities have been allotted to the Finance Committee and to the Executive Officer in the matter of preparation of the budget. In actual practice budget estimates are being prepared by the Accountant or the Secretary. In big municipalities such responsibilities are primarily being vested in the Finance Standing Committee. It has also to be remembered that no tax can be levied and no expenditure can be incurred without the prior approval of the commissioners at a meeting. The Act and Rules also provide certain directives in regard to closing balance. The Act provides—'In framing a budget the commissioners shall provide for the maintenance of such minimum closing balance (if any) as the State Government may, by order, prescribe, for the service of municipal loans and for carrying out any duty or obligation specifically imposed upon them under this Act or any other enactment.'<sup>26</sup> Generally, two months establishment charges of the respective municipality are kept as the minimum closing balance of the budget.

It has been indicated that compared to other municipal Acts budget framing in West Bengal municipalities (as provided in the existing Act) has certain peculiarities. Particularly, publication of the budget estimates in local vernacular and the provision for its inspection by the ratepayers as also their right to send necessary suggestions for consideration of the commissioners are no doubt unique features of the Act. If properly implemented *this gives an opportunity to the municipal representatives* to come in contact with their electorates in the matter of framing the civic budget. It may be recalled that in the West Bengal Panchayat Act, 1957 similar provision was made for the members of the Gram Sabha in the matter of budget preparation. Certain shortcomings and defects are also noticed in the existing practice. It is felt that the municipal authorities as also the staff

<sup>26</sup> Sec. 115 of the B. M. Act, 1932.



do not pay sufficient attention in regard to carrying out the provisions of the budget estimates. Invariably their expenditure far exceeds their income. Hardly the minimum closing balance can be maintained. Collection of rates and taxes is far below the amount provided in the Budget. It is further observed that proper attention is not being paid to maintain the works that were created in the preceding years. Certain suggestions are made for remedying the existing defects :—(1) The budget preparation should commence preferably from the month of August or September, that is, from the end of the second quarter of the financial year ; (2) The Chairman should issue directives so that every spending department may furnish necessary data and their requirements for the ensuing year in proper time ; (3) The responsibility of the Finance Standing Committee as also of the Executive Officer or the Secretary in the matter of preparation of the budget estimates should be clearly mentioned in the Act or Rules. The Finance Standing Committee should be held responsible for the publication and for presentation of the budget before the municipal board ; (4) Sufficient provision should be made for repairs and maintenance of the existing works so that past expenditure may not be wasted ; (5) Adequate provision should be made for discharging the obligatory duties of the board of commissioners as laid down in the Act ; (6) In case of works to be constructed from grant receipts a statement should be provided in the budget indicating the individual works to be undertaken, their estimated cost and to what extent these are to be financed from the municipal revenues and from local contributions ; (7) Review should be made from time to time by the board of commissioners as also by the concerning officers to examine how far the provisions of the budget are being implemented.

### *Sources of Municipal Revenue*

Under the existing Act the municipal authorities in West Bengal derive their revenues broadly from two sources (a) Tax sources and (b) Non-tax sources. The tax sources are—(1) Holding tax ; (2) Service taxes (rates on water, lighting and conservancy) ; (3) Profession tax ; (4) Taxes on vehicles, animals and boats. Apart from these a municipality can levy a toll and education cess with the sanction of the State Government. The Non-tax sources comprise—(i) Rent from property like lands, tanks etc, (ii) License fees, (iii) Grants, (iv) Miscellaneous receipts (admission fees for maternity home, plan sanction fees etc) and (vi) Loans. It may also be mentioned that all the taxes leviable by a municipality are discretionary.

The Tax provisions in regard to Howrah municipality are somewhat different. These are governed by the Calcutta Municipal Act, 1923. Under the said Act, Howrah can impose a 'consolidated rate' (like Calcutta Corporation) which combines the holding tax and the service charges. But this is optional.



There are certain obligatory taxes also, namely : (a) tax on carriages and animals, (b) tax on carts, (c) tax on professions, trades and callings, (d) tax on dogs and (e) scavenging tax. It may further be mentioned that in Howrah the taxes (consolidated rate) are shared between the owners and the occupiers of property.

The maximum rates which may be charged by the municipality in regard to holding and service items are clearly laid down in the Act. The ceilings are: Holding rate 10 per cent, Water rate  $7\frac{1}{2}$  per cent, Lighting rate 3 per cent and Conservancy rate 10 per cent—in all the total permissible amount is  $30\frac{1}{2}$  per cent. The Act further provides that in case of hill municipalities of Darjeeling and Kurseong, the holding tax may be imposed upto 15 per cent. In case of Howrah municipality the maximum amount of the consolidated tax is 23 per cent.

It may also be mentioned that the holding tax and other service charges are calculated on the annual rental value of the property. The service charges are made on the specific services provided to the residents of the concerning municipality. There is also no minimum prescribed rate. Thus the total aggregate municipal rate differs from municipality to municipality. This disparity cannot be justified in municipalities where civic services and nature of urban development are more or less similar. Some selected cases (about aggregate municipal rate) are stated here in order to examine the nature of disparity. These are :-

Asansol (27 %, including education cess of 2 %), Baranagore (27 %), Bally (19 %), Hooghly-Chinsura (25 %), Kamarhati (23 %), Serampore ( $27\frac{1}{2}$  % including education cess of 2 %), South Dum Dum (25 %) and Uttarpara-Kotrang (16 %)<sup>27</sup>. It can also be understood that in many cases maximum service rates (as permissible in the Act) have not been imposed in order to please the ratepayers. In the larger interest of the Urban bodies of this State—particularly in the matter of improvement of municipal finances, the State Government should make a thorough probe into the matter and should prescribe minimum rates for different categories of municipalities.

### *Inelastic Sources*

An analysis of the sources of municipal revenue in West Bengal may reveal that by and large these are direct and inelastic in nature. Excessive

<sup>27</sup> Statistical Handbook for Municipalities for 1966-67 and 1967-68 issued by the Government of West Bengal.



dependence on 'property tax' is one of the basic causes of financial difficulties in West Bengal municipalities. The Zakaria Committee observed (about West Bengal)—'It is noticed that property tax (including service taxes) constituted the main item of tax revenues in urban local bodies—about 91 %. The profession tax contributed about 7.5 % and the remaining 2% were being accounted by toll, animal and vehicle tax and other miscellaneous taxes. From the tax structure it is evident that urban local bodies were relying mostly on property taxes.'

It is observed that compared to municipalities of West Bengal, the financial position of other states (municipalities) in India is better. The table below gives a comparative picture of per capita income and expenditure of West Bengal municipalities with those of other States in India.

*STATEWISE PER CAPITA REVENUE AND EXPENDITURE (1960-61)  
OF THE MUNICIPALITIES*

State Municipalities	REVENUE			EXPENDITURE	
	Tax	Non-Tax	Grants	Total	Amount in Rs.
Andhra Pradesh	7.96	2.89	2.90	13.75	11.62
Gujarat	10.70	4.19	2.13	17.02	19.04
Kerala	4.80	3.04	1.29	9.13	9.37
Madras	10.04	5.09	1.78	16.91	15.44
Maharashtra	10.68	3.21	3.05	16.94	13.31
Orissa	4.10	1.41	4.01	9.52	11.57
Punjab	12.78	5.58	0.24	18.60	17.37
West Bengal	5.61	0.97	1.40	7.98	7.81
All India	8.61	3.39	2.15	14.15	13.08*

\*Source : Zakaria Committee Report pp. 379 and 382.



The figures indicate the sorry performances made by the West Bengal municipalities both in raising taxes as also in the matter of expenditure compared to other States in India. It may also be recalled that municipalities in other States of India enjoy certain additional sources of revenue which have been deprived in the case of West Bengal. Out of 17 States of India there is provision for Octroi in the municipalities of at least 10 states. Octroi is a wide-based tax and is highly elastic. In 1960-61 in most of the states where octroi was collected it yielded not less than 40 % of the total revenue of the municipalities. It is also admitted that there are differences of opinion in the matter of imposition of 'Octroi imposts'. But alternative sources of revenue have to be found out in order to improve the financial position of West Bengal municipalities. It is suggested that new sources like Betterment Levy, Tax on Advertisement, share of Entertainment Tax and surcharge on Sales Tax should be provided for West Bengal Municipalities.

#### *Mode of Assessment*

The general property tax is levied on the annual value of holding which is defined in the Act as—'gross rental at which the holding may reasonably be expected to let.' There is provision for exemptions and remission for certain categories of properties. A place of public worship or used for the disposal of the dead is allowed exemption of the tax. Exemption is also allowed for holdings meant for public charity (wholly or partially). Exemption is also granted where the annual aggregate value of all the holdings held by any one owner does not exceed fifty rupees<sup>28</sup> (prior to 1969 the amount was rupees six only). Vacancy remission is allowed to the owner of a property which remains vacant for a period exceeding three months. 'There is also provision for remission on the ground of excessive hardship.'<sup>29</sup>

#### *Assessment of Properties*

Properties located in municipal areas are assessed on the basis of valuation made by a professional assessor. The assessor is appointed by the municipal board from among the panel assessors approved by the State Government. Sec 137 of the Act provides that new valuation list shall be prepared once in every five years. After preparation of the assessment list the same is published by the Chairman and necessary notices are issued

<sup>28</sup> Sec. 124 of the B.M. Act, 1932

<sup>29</sup> Ibid—Sec. 129 of the Act.



to the owners or occupiers of the property in this regard. All objection cases are heard and determined by a Review Committee. The Committee should consist of Chairman and not less than two and not more than four commissioners. There is also provision for a 'Municipal Assessment Tribunal'. The State Government is empowered to appoint such a Tribunal in special cases. Mention may also be made that the decisions of the Review committee as also of the Assessment Tribunal are final.

### *Observations*

It is very often complained that the Review Committees reduce the valuation made by the professional assessor in a most arbitrary manner. No proper principle is followed in the matter of review. 'Group interest and party pressure, more than any other consideration play, the most significant role in determining property valuation and tax base of the majority of the West Bengal Municipalities....At places, assessments are made and reduced arbitrarily to the benefit of the assessee concerned even below the amounts declared by the assessee themselves.'<sup>30</sup> Such type of functioning on the part of municipal review committees has resulted in widespread under valuation of properties in municipal areas. More or less similar picture is observed in other States also. In order to avoid such under-assessment of properties as also to introduce certain uniform standard in the matter of valuation, Expert Committees have all recommended to set up 'Central Valuation Department' for every State. The concerning department shall do all the necessary work in connection with municipal assessment of properties. The Rural-Urban Relationship Committee have made the following recommendations in this behalf :—

1. A Chief Valuation Officer should be appointed in the Directorate of Local Bodies. He should lay down principles for assessing the annual values and supervise and control the valuation officers ;

2. Full-time Valuation Officers should be appointed for cities with a population of five lakhs or more. For groups of smaller cities and towns, Valuation Officers should be appointed according to the volume of work ;

3. The assessment list should be prepared by the Valuation Officer and published for objections, if any. After examining objections, the Valuation Officer should finalise the list.

4. An appeal against the assessment made by the Valuation Officer should be made to the Chief Valuation Officer.

<sup>30</sup> Dr Sachchidananda Ghosh—'Local Finance in Urban Areas', p. 129.



5. An appeal against the decision of the Chief Valuation Officer should lie to the District Judge<sup>31</sup>.

### *Collection of Rates*

Municipalities collect their taxes through the help of baliffs. Bills and demand notices are issued to the rate-payers at the beginning of each quarter. There is provision for rebates (not mandatory) for timely payment of rates. It is complained that a large amount of municipal property tax remains uncollected. In 1960-61 the various municipalities in Metropolitan Calcutta could collect only about 59 per cent. of total assessment. It is further noticed that collection of rates differs from municipality to municipality. For instance in 1967-68 the amount of collection differed from 11.6 per cent (Raghunathpur Municipality, Purulia) to 89 per cent (Burdwan Municipality) of the total demand. It is admitted that inefficient functioning of municipal administration is largely responsible for such poor performance in the matter of tax collection. The following steps may be undertaken for improvement of collection. These are :— (a) To issue demand notices in time; usually these are not done; (b) Regular 'tagids' have to be sent to defaulting tax payers; (c) Executives should hold regular meetings (at fortnight intervals) of tax collectors and review the collection position; (d) Collecting staff should be paid incentive bonus for exceptional collection.

It is also admitted that there is reluctance on the part of the elected Executives to issue 'distress Warrants' and undertake other punitive measures (as provided in the Act) against recalcitrant tax payers. Usually wealthy persons take advantage of this weakness and avoid timely payments. As suggested earlier, entire collection department should be transferred to the Executive Officer for better and efficient functioning.

### *Concluding Remarks*

It has already been indicated that the municipalities in West Bengal suffer from three major handicaps, namely, (1) Limited sources of Revenue; (2) Excessive dependence on Property tax; (3) Widespread under-assessment of properties and low collection. It is also felt that the services that these civic bodies render are part of the national services. It is therefore desirable that these institutions should be provided with adequate resources either in the shape of taxes (elastic sources) or in the form of grants so that

<sup>31</sup> Report of the Rural-Urban Relationship Committee, Vol. I, pp, 98—99.



they can perform their duties in a more efficient and improved manner. In the past Expert Committees like Taxation Enquiry Commission (1953-54), the Local Finance Enquiry Committee and the Rural-Urban Relationship Committee have made concrete suggestions in this behalf. Apart from these recommendations, the suggestions made by the Fiscal Division of the C.M.P.O. deserve considerations :—

1. Expenditure on functions of national interest like vaccination, inoculation and other health services should be fully grant financed—capital as well as recurring ;
2. The total amount of grant in lieu of motor vehicle tax should increase in proportion with the increase in receipts of this tax ;
3. All other in-lieu-grants as well as subvention grants should be abolished in their present form and be substituted by block grants ;
4. Block grant should consist of two parts—a big and small one. The major part should be distributed among the municipalities giving proper weightages on needs and tax efforts ;
5. A Central Assessment agency should be set up for uniform and fair assessment ;
6. Provision of capital grants to the municipalities should be made keeping in view of the purpose of equalizing the availability of some minimum services in all municipalities ;
7. The State Grants, both revenue and capital—once fixed should not be altered at least for five years. This will enable the municipalities to make long term financial plans<sup>32</sup>.

<sup>32</sup> Memorandum prepared by the Fiscal Division, C.M.P.O. in 1969. pp 18—19



## CHAPTER—XI

### GOVERNMENT CONTROL AND SUPERVISION

We have observed how self-governing bodies had been founded in successive stages through devolution of power and authority during the pre-independence as also in the subsequent period of our national independence. Discussion on rural local bodies are first discussed. It may also be remembered that Village Self-Governing bodies' were already there since 1885 but they had been functioning under various limitations, like restricted franchise, limited scope of activities, ineffective power and authority and inadequacy of funds. But this is not all. Even this limited 'self-government' was allowed under severe regulations and control of the then Imperial and Provincial Governments. The devices through which the Government maintained its control\* and check over the local bodies may be broadly classified under two heads—

1. Internal and
2. External control.

Internal control was generally exercised by restricting the operation of the people's representatives. Though local self-government was introduced as a matter of policy local bureaucracy was extremely unwilling to transfer effective power to the Natives. In the circumstances hindrances were created so that people's representatives (even though their numbers were extremely limited) could neither exercise their power properly nor adopt any effective decisions. Internal control was usually exercised in the following ways :

1. Provision of nominated, appointed and ex-officio members by the Government in a local body;
2. Provision of appointed or ex-officio head for a local body. Upto 1919 all the District Boards in Bengal had ex-officio Chairmen. Since 1920 the system of non-official Chairman was introduced.
3. Some of the provisions of the Act (which were in operation for a particular period) were not applicable to certain group

\*The forms of control exercised by Government were mainly found to be legislative, financial and administrative in character. Of these, the legislative control was the most fundamental one. The legislative supremacy over all the Local Bodies rested with Government which alone had power to modify or revoke their constitutions.



of local bodies named in special schedules attached to the Act. The Bengal Municipal Act, 1884 retained such 'schedules'. These schedules were abolished in the Bengal Municipal Act, 1932.

4. Restriction over franchise was one of the controls. It may be remembered that upto 1949 'women' in Bengal villages had no voting rights. Only male persons were allowed to vote and stand as candidates. Similarly women were not allowed to exercise their franchise in municipal elections upto 1932. Only in the 1932 Act this restriction was lifted. Even in case of 'males', franchise was extremely restricted.
5. Limited objects for which local bodies' fund could be spent. In the Bengal Municipalities upto 1884 there were only nine items for which municipal fund could be expended. In the 1894 (Amendment) Act these were extended to thirteen and in the 1932 Act there are as many as 34 items.
6. District Magistrate and Commissioner's powers in regard to Budget and other matters.
7. Prior approval of the Government was needed in making appointments, incurring loans or even moving certain proposals.

Apart from these internal controls (all of them could not be mentioned here) there were external controls. These controls were generally in the shape of 'checks' and 'supervision'. Some of these checks might be mentioned as follows :

1. Provision of Audit and Inspection;
2. Submission of Administrative Report by a prescribed date;
3. Adoption and submission of the Budget to the higher authority on certain prescribed procedure and date;
4. Control over budget and finance (in case of indebted bodies);
5. Prior approval of the Government was needed in case of alteration of rates or fees or in the matter of new tax proposals;
6. Removal of elected members and heads on a motion adopted by the local Body or by the Government itself on certain grounds (specific or vague). In the 'Village Self-Government Act, 1919', the President of a Union Board could be removed by the Commissioner of a Division on grounds of incompetency, neglect of duties and such other charges;



7. Government's power of cancellation of resolutions adopted by the local bodies on grounds of public interest;
8. Appointment of Executive Officer in a municipality with delegated authorities under Sec. 67 A of the Bengal Municipal Act, 1932, whereby municipal commissioners are debarred from exercising those powers which are delegated to the Executive Officer by the Government. The board of commissioners have no control over the officer. His salary, promotion, appointment, and removal are all to be determined by the Government. But he will be paid from the municipal fund. This may be called partial supersession;
9. Finally, supersession of a local body on grave charges of persistent neglect of duties, misdeeds, defalcation of funds and owing to other administrative failure.

It may be also be observed that all the aforesaid controls and restrictions were not bad and objectionable in themselves. Creation of self-governing institutions does not necessarily mean that the State Government would absolve all their responsibilities to the people. In case of persistent neglect of duty or proved misdeeds or in case of defalcation of funds it was quite justified on the part of the Government to interfere and to take necessary steps in the matter. No reasonable person could criticise such action on the part of the Government. What was needed was that before taking any such drastic action (except in the case of defalcation or embezzlement of funds) the institution or the person concerned should be allowed reasonable opportunity to correct their mistakes and also to explain their conduct in this behalf.

It is also admitted that in the context of the socio-political conditions obtaining in India in the past as also in the present period, a self-governing institution requires help, guidance and supervision from its superior body. Regular inspection and provision of proper audit considerably help these bodies in correcting their mistakes and in checking over-zealous activities on the part of the Executives. We have already noted the observations of the 'Bengal Administration Enquiry Committee Report, 1944-45' in regard to such guidance and their recommendations for appointment of Circle Officers for the purpose of supervision of the 'Village Union'. The Committee observed—"Supervision is not incompatible with, rather it is necessary for the growth of any institution, even though that institution may be described as self-governing. The need for supervision was fully realized by the District Administration Committee of 1913-14; and it was on the strength of that Committee's recommendations that



the Circle Officer was introduced".<sup>1</sup> But the Committee found that the Circle officers were not discharging their duties properly. Apart from the annual audit, and from an occasional visit, the Circle Officer found little time for the Union Board, and even less for the fostering of the principles of local self-Government.

### *Government Control*

We were so long discussing Government 'control' over local self-governing institutions in the past. It was also mentioned that 'external control' as against 'internal control' and supervision over local bodies are justified if these are applied in reasonable and democratic manner. In the words of Ripon's famous principle—"Control should be exercised from without and not from within." In the Panchayati Raj institutions as has been mentioned in the earlier chapters, there are provisions for 'control and supervision.' Undoubtedly ill-famed internal controls, like nomination system, provision of appointed or ex-officio heads, restricted franchise and such measures which hindered the growth of these bodies had been removed to a large extent. But still there are 'controls' which have been incorporated both in the 'West Bengal Panchayat Act', 1957' and in the 'West Bengal Zilla Parishads Act, 1963' as also in the 'West Bengal Panchayat Bill, 1973' which have a likely tendency to retard the growth of these bodies. Further, these may be utilised by the party in power in the State Government against any minority party which may occupy a 'Panchyati Raj' body for the time being.

So far as Panchayat Act (Act of 1957) is concerned there is a special chapter (chapter X) dealing with 'control and supervision'. The following provisions have been made for exercising such 'control and supervision'. These are :—

(1) Inspection and supervision by the prescribed authority in regard to the activities of the Gram and Anchal Panchayats. The prescribed authority may call for any papers, documents, record or such other materials as may be required for the purpose. The prescribed authority may further suspend or cancel any resolution or order or permission granted by the local body concerned on grounds of illegal procedure, excess of power or breach of peace or annoyance to the public. There is a provision for appeal for the aggrieved institution to the Commissioner of the Division whose orders shall be final in the matter.

In the West Bengal Panchayat Bill, 1973 Sections 205 to 223 deal with matters relating to Government's control and supervision over Panchayati Raj institutions.

<sup>1</sup> Bengal Administration Enquiry Committee Report, 1944-45. PP. 113-114.



*Removal of Elected Heads*

(2) The next provision in regard to Government control is the power of the Government (statutory authority) to remove an elected member or the head on certain specific or vague grounds. Particular mention may be made about the provisions for the removal of an elected Adhyaksha or Upadhyaksha or any Pradhan or Upapradhan under the West Bengal Panchayat Act, 1957. There are similar provisions for the removal of a President or a Vice-President of an Anchalik Parishad or a Chairman or a Vice-Chairman of the Zilla Parishad in the 'Zilla Parishads Act, 1963'. So far as the heads of the Panchayat (Gram and Anchal) are concerned there are only two grounds for such removal. These are :

(1) Wilful omission or refusal to carry out the provisions of the Act or Rules or orders or

(2) Abuse of the powers vested in the person concerned.

In case of Zilla or Anchalik Parishads there are four such grounds (including the two stated above).

It is further provided that so far as Panchayat heads are concerned, before taking action on any of the grounds, the persons, concerned shall be given an opportunity to show cause. Further, one aggrieved by the order has the right of appeal to the Commissioner of the Division within 30 days from the date of the order. The order of the Commissioner of the Division on such appeal shall be final.

In case of the heads of an Anchalik or Zilla Parishad a representation to the Government is only provided and thereafter the action will be taken.

It may be observed that Sec. 65 (1-3) of the West Bengal Panchayat Act (dealing with such removal) and Sec. 9(1) and 57(1) of the Zilla Parishads Act (1963) are rather extraordinary provisions. It may be remembered that there are clear provisions in both the Acts where elected heads can be removed from their respective boards on specific procedure by other members of these bodies if they lose the confidence of the majority. Such removal by the Government is all justified (as has been stated earlier) if the matter involves defalcation or embezzlement of funds. Excepting the aforesaid grounds, any removal of an elected head by the Government itself or by any appointed authority may create suspicion, doubts and disbelief in regard to the genuineness of the Government in creating healthy Self-Governing institutions in the country. There is every likelihood that the power may be utilised to serve the party interest of a ruling caucus. It is also significant that in the Bengal Municipal Act, 1932, no such direct removal of an elected Chairman by the Government is provided.



*Provision for Supersession*

(3) There is also provision for supersession of the Panchayat bodies' on certain grounds in both the Acts. The grounds are :

- (1) Persistent default in performing duties or incompetency in performing their duties or
- (2) Abuses their powers.

It is further provided that before taking such action the State Government shall give an opportunity to the institutions concerned to make its representation against the proposed order. (No such opportunity is allowed in case of Gram and Anchal Panchayats). It is further observed that the period of such supersession is 'one year' in case of the basic Panchayats and 'two years' in case of the Anchalik and the Zilla Parishads. It is also provided that during the period of supersession all members of the respective bodies would cease to function.

*Observations*

It may be recalled that the provision of 'supersession' is not a new measure. 'Local Self-Government Act, 1885' and the 'Village Self-Government Act, 1919' provided similar devices. There is also provision of 'supersession' in the existing Bengal Municipal Act, 1932, with certain minor variations. It has to be admitted that in cases of grave dereliction of prescribed duties or abuse of powers Government may have to take such drastic measures in larger public interest. But the Government will also have to remember that 'supersession' of an elected body is an unusual measure and it involves great responsibility on the part of Government. The 'action to be taken' in the ultimate analysis means denial of power to the elected representatives for a specific period. It is further significant that the same electorate under the present Acts elect the National, State and the Local Governments. In the circumstances, such action can only be taken on very 'grave grounds'. There should be caution and timely warning to the body concerned. It is unfortunate that in the West Bengal Panchayat Act, 1957 no provision for this opportunity has been given to the basic Panchayat bodies (Gram and Anchal Panchayats) to represent their views against such Government orders. It is interesting to note that such opportunity has been provided in the 'Zilla Parishads Act'. This may amount to arbitrary action on the part of the Government. It is also imperative that the duration of the supersession should be short and all possible steps should be taken for early restoration of the elected body.



*Prescribed Authority*

In the Panchayat Acts one is confronted very often with the word 'Prescribed authority'. Unfortunately no clear definition of the prescribed authority is found anywhere in the Act. The only definition that 'it means an authority appointed by notification, for all or any of the purposes of this Act, by the State Government either generally or for a particular purpose', is not enough. Of course West Bengal is not an exception in this matter. Dr. Purwar has made a similar objection in her discussions on Panchayati Raj in Uttar Pradesh. Her remark that "In fact, it may not be an exaggeration to call this Act an act for the prescribed authority rather than for the Panchayats" is equally applicable to West Bengal also.





## CHAPTER—XII

### CONCLUSION AND FINDINGS

The primary object of this book is to study the development and working of local self-governing institutions (both rural and urban) of West Bengal (previously Bengal) beginning from the early British period and extending upto the present time. Particular emphasis has been laid in the book to examine the structure of the new village institutions that have been introduced in this State in the shape of Panchayati raj. It can also be understood that a comparative study and a proper evaluation of the new structures are never possible unless the composition and character of the earlier institutions are properly examined. Side by side the basic features of the contemporary Panchayati Raj Acts now operating in different States of India (preferably of the States where Panchayati Raj has made substantial advancement) have also been referred.

In the 'Introductory Chapter' of this book we have tried to examine the basic postulates of India's new democracy and the promise of the new social order that this young 'Sovereign Republic' pledges to build up. It has also been indicated that the best safeguard and guarantee for this nascent democracy is to create local self-governing institutions with effective decision-making powers. It has been further pointed out that people at the base should not be 'mute receivers' of blessings from above but should also possess necessary 'creative powers' in regard to their own local areas. Further, these institutions should serve as communication centre to convey the opinion of the people at the base about major developments in the country. Local self-governing institutions, like village Panchayats, should function as the link between the people and those who are to rule.

In the 'Introductory Chapter' while discussing the utility of the existence of local Government, a brief reference has been made to the well-organised self-governing institutions that existed in the ancient period as also in the subsequent periods of Indian history. Unfortunately owing to various socio-economic factors and particularly after the introduction of centralised British Administration these indigenous institutions gradually decayed. The institutions that functioned in the immediate past were primarily of British-made and had limited powers and authority.



*Local Self-Government in the British period*

In chapters II and III the history of local self-governing institution in Bengal since 1870 have been traced. From Village Chowkidari Act to the present Panchayat System is a long tortuous journey. It was noted that the entire scheme of 'local self-government' as introduced in the local Self-Government Act, 1885 was wrongly drafted and it vitiated the whole atmosphere. It was originally intended that the scheme should be constructed from below and would proceed upwards in a pyramidal manner. But in actual practice the scheme came into operation (as provided in the Act) from above. Power was concentrated in the District Board. The Local Board and the Village Union practically functioned under its tutelage and benediction.

Although power was concentrated in the District Board its composition was undemocratic and dominated by officials and ex-officio members. Upto 1919 the District Magistrates were the ex-officio Chairmen of these District Boards. On the other hand the electorates of the aforesaid local bodies from the District Board to the Village Unions were based on restricted franchise. As regards the contribution of these bodies, particular mention may be made of health and sanitation, maintenance and construction of roads and culverts, supply of drinking water and provision of primary education. In the context of population coverage and area, the performances of these local bodies were inadequate and unsatisfactory.

The Act conferred sufficient powers in the Chairman. He used to exercise them arbitrarily without any consultation with his colleagues. Thus collective functioning was hardly possible. Apart from this, the pre-occupation of the Magistrates with his own work could allow him very little time to attend to works of local bodies. It can be well understood that in such an atmosphere where genuine elected representatives were rare and where the whole show was dominated by the officials, majority of whom being Englishmen, local self-government was rather a myth.

It may also be remembered that Bengal was no exception in this matter. We find similar bureaucratic control, half-hearted introduction of self-government, restricted franchise and paucity of funds in the structures of Local Bodies in other parts of India also.

The Decentralisation Commission also rightly believed that one of the causes for failure of local self-government was that the whole structure was not built upon the natural foundation of the village. But the situation improved, particularly in Bengal, after the introduction of the 'Village Self-Government Act, 1919'. The 'Union Boards' were established in



place of the hitherto moribund 'Village Unions'. It has been indicated that compared to the 'Village Unions' and even compared to some of the contemporary village institutions that functioned in other provinces of India, 'Union Boards' in Bengal having power of self-taxation and rural justice enjoyed larger powers and scope of activities. It has also been observed that between the years 1920 to 1937 this new village system progressed smoothly. But after the introduction of the new Reforms (India Act, 1935) and with the instalation of the Muslim League Ministry in Bengal the progress of local self-government experiment in this province was retarded.

### *Panchayat to Panchayati Raj*

It has also been observed that the metamorphosis of Panchayats into three-tier Panchayati Raj is a revolutionary change and indicates a new social development in the contemporary Indian Politics. The whole change has been based on the basic principle of 'Democratic decentralisation of power'. The contributory factors which are responsible for this important 'shift' in the policy of the Government so far pursued were not merely the recommendations of an Expert Committee meant for the purpose. The other reasons were (i) Absence of proper leadership at the rural sector to sponsor and implement the national development plans; (ii) Existence of weaker bases with no link with the rest of the country were felt to be plague spots in the context of threatening external situation; (iii) Mounting discontent and the widening gulf between the people at the base and the hierarchies above necessitated the creation of effective local institutions; (iv) Admitted failure of the National Extension and Community Development Programmes in creating effective leadership and spontaneity in the village people about village reconstruction work urged an alternative institution at the rural sector.

### *West Bengal Panchayat System*

In Chapters VI and VII of this book the structures of the present Panchayati Raj in West Bengal have been discussed. It has been already noted that the Panchayati Raj in West Bengal was introduced in two separate Acts (West Bengal Panchayat Act, 1957 and the West Bengal Zilla Parishads Act, 1963) and it is a four-tier Panchayat system. The Anchal Panchayat located between the Block and the Village level is the additional tier of this State. But compared to Panchayat organisations in other States the Gram Panchayat in West Bengal has no power of self-taxation. There is also provision for elective judiciary (Nyaya Panchayat) to deal with petty civil and criminal cases. The Nyaya Panchayat will be elected by the members of the Anchal Panchayat from among the Gram Sahha members.



There will be five Vicharaks and there shall be at least one Vicharak from each Gram Sabha. The entire cost and the supervision of the Nyaya Panchayat have been vested in the Anchal Panchayat

The Panchayat system (basic Panchayats) has been in operation in this State since 1958. During the last 15 years only one general election has been held so far to constitute the Gram Panchayats and the Anchal Panchayats. It is learnt that so far 62 Nyaya Panchayats have been established. Although no official printed report is as yet available in regard to the working of these bodies,\* from the field work undertaken by the author as also from the experience gained by him through interviews, including newspaper reports so far available, it may fairly be observed that this new system was broadly welcomed by the village people. They are interested in it and desire its success. It is admitted that excepting very limited places direct participation of the entire village people has not yet been possible in Panchayat matters. Practically, in rare cases statutory Gram Sabha meetings have been possible. Village people (including executive members and heads of the Panchayat) as yet do not know properly their new rights and privileges as provided in the Act and in the Rules. It has also been indicated that there is general resentment amongst the village people that even though these Panchayat bodies have been created with great promises they are not provided with adequate funds. Acute shortage of funds do not allow these bodies to perform even minimum civic duties. The present author in his brief survey has shown that the constructive work of the village Panchayats are confined to the construction of minor culverts (mostly by means of hume pipes), repair and maintenance of Katcha village roads (preferably link roads), construction of tube-wells (deep tube well for the purpose of irrigation in rare cases), repair of village schools and provision of sanitary measures in a general manner. It has to be admitted that performances of Panchayat work in West Bengal compared to some of the advanced States are extremely poor and unsatisfactory.

Apart from this poor performance, there is also the question of anomaly and short-comings in the Panchayati Raj structure of the State. Some of the weaknesses have already been pointed out in the earlier discussion of this book. It may be recalled that there has been altogether six amendments in the Panchayat Acts of the State during the last 15 years of their operation. There have been findings from two Expert Committees also (not yet implemented) in regard to higher Panchayat bodies. From a review of all these it is felt that the State Government is not perhaps clear about

\* Cyclostyled reports have been issued from time to time by the Department.



the specific role that the Panchayat is expected to play in the National Development of the country. It is further observed that the State Government is hesitant and indecisive in regard to the quantum of power and authority to be transferred to these bodies. On the whole, the process of 'democratic decentralisation' of power in West Bengal is halting, confused and lacks clarity of purpose. These have been glaringly manifest in the following acts and commissions :

(1) Creation of Anchal Panchayat (additional tier) without clear understanding in regard to its relation with the basic Panchayat bodies (Gram Sabha and Gram Panchayat and also its specific role in the Panchayat System) had roused misgivings and suspicions. It may be mentioned that so far as the West Bengal Panchayat Act is concerned the Gram Panchayat has certain statutory responsibility to Gram Sabha, the general body. But the Anchal has no responsibility in this behalf. Further, there is conflicting opinion in regard to the retention of the Anchal Panchayat and the functions that have been assigned to it. In the present discourse provision of the Anchal Panchayat in the West Bengal Act has been justified. Of course the general opinion so far obtained desires 'direct election' in the Anchal stage.

(2) Inadequacy of resources for the Panchayat bodies is one of its serious weaknesses and drawbacks. The provisions of the original Act (West Bengal Panchayat Acts, 1957) were further worse and insufficient. These had to be amended partly due to felt needs and partly for meeting defects as pointed out in the law suits.

(3) Similarly, the cost of the 'Village defence' should be borne by the State Government and not by the village people. This is a national duty and in the fitness of things should be undertaken by the State. On the other hand after the formative years the cost of the Anchal Secretary should be borne by the Anchal as is provided in the Act.

(4) The most glaring defect at the Zilla Parishad level is the existing 'diarchy' in the Anchalik Parishad structure. Compared to Panchayati Raj Acts in other States of India, the West Bengal Anchalik Parishad is the weakest in regard to status, functions and resources assigned to it. Community Development work should not be undertaken by separate bodies. It should be merged with the Anchalik Parishad. The recommendations of the 'Working Group' (mentioned in Chapter VII) if implemented may partly remove some of its defects (including the functioning of the Zilla Parishads). But further modifications in the Act are needed in order to make it a healthy and effective body.



(5) The composition of the Zilla and Anchalik Parishads also require revision and change. Like Maharashtra and Orissa the members of the Parliament and the State Legislature should be dissociated from these bodies (as recommended by J. C. Talukdar, ex-departmental Secretary). This may help the local leaders to depend on themselves and to take their own decisions. Exchange of opinion and deliberation and consultation with lower Panchayat bodies are urgently needed. Withdrawal of State and National leaders from these bodies may facilitate these processes. Of course, the members of the Parliament and that of the State Legislature may be consulted in drawing up District and Block development plans and also in matters involving national questions.

Apart from the removal of the aforesaid anomalies and weaknesses, all these bodies, as suggested earlier, (Chapter on Panchayat Finance) should be adequately provided with funds either in the shape of grants or in the alternative with elastic sources of revenue in order that these bodies may perform their respective roles in national planning and in the creation of effective self-governing village bodies.

In Chapter VIII we have tried to trace the growth and development of Bengal Municipalities since 1842. It may be remembered that the study was undertaken in order to have a comparative picture of the development of urban bodies with that of the rural institutions. The entire period of study was divided under five different stages. The first stage (1842-1864) covered those infructuous attempts in the creation of Municipal Government mainly, in the pre-Mutiny period. The second period (1864-1882) witnessed the growth of effective Municipal Government in Bengal under the 'District Municipal Improvement Act of 1864'. Though the Act suffered from various limitations still it contained the basic provisions of a 'modern municipality' in a nutshell. It was also indicated that in the post-Mutiny period the growth and expansion of municipal towns in India were largely possible due to the following essential contributory factors. These were :-

- (i) The publication of the Army Sanitary Commission Report in 1863 with its recommendations for constitution of municipal bodies for the removal of nuisances and insanitary conditions from the district headquarters and the mufassil towns in the larger interests of the health and convenience of the Army personnel ;
- (ii) Chronic deficit of the imperial finance necessitated the creation of local finance through devolution and other methods ;



- (iii) In Bengal, particularly, large scale epidemic malarial fever in the Presidency and Burdwan division emphasised the need for effective statutory local authorities in the Province to remove nuisances and unhealthy condition from the district and mufasil towns ;
- (iv) Constant demand from the new rising intelligentsia for transfer of power and authority for the administration of the affairs of local areas.

It has also been observed that during the second period (1864-1882) the progress of the municipal government in Bengal was more or less satisfactory. In spite of the official control there was expansion of municipal activities. By 1876 elective principle was partly introduced in Bengal Municipalities. Although the office of the Municipal Chairman was non-elective and dominated by the Magistrate, the municipal Commissioners as a body enjoyed some effective powers. The scope of municipal activities was expanded. Of course the maintenance of Police was still the 'first charge' on the municipal fund. At the end of the second stage there was the historic declaration of Lord Ripon in regard to Local Self-Government.

Ripon's announcement of introducing genuine reforms and a liberal policy in the matter of local bodies created a new and fresh outlook in the sphere of Local Self-Government. Particularly, his policy of elective non-official heads and 'control from without rather than from within' had created faith in the people that something positive would come from this declaration.

Immediately after Ripon's declaration there were two important Acts in Bengal covering the interests of both urban and rural areas. The Acts were :- (1) the 'Bengal Municipal Act of 1884' and the 'Bengal Local Self-Government Act of 1885'. The Acts reflected to some extent the new policy enunciated by the Government of India. Compared to the '1876 Act' there was further expansion of elective principle in the Bengal Municipalities.

It has also been indicated that the progress of 'Municipal Government' in the Province did not advance much during the early part of the present Century (excepting certain minor amendments that were adopted from time to time). It was only after the introduction of the Montagu-



Chelmsford Reforms and formation of partly popular Ministries (in the Dyarchical set up) that a revival of the erstwhile liberal policy of Lord Ripon was expected. In 1923 (as stated earlier) the Bengal Municipal Act, 1884 was thoroughly reviewed by Sir Surendranath Banerjee himself and a new Municipal Bill was placed before the Council. The Bill as a matter of fact, was the foundation of the present 'Bengal Municipal Act, 1932'. But unfortunately Sir Surendranath could not complete his work (He was defeated in the 1924 election and died in August, 1925). The Bill after necessary adjustments was subsequently adopted in 1931 and the Act came into operation from December, 1932.

### *Observations*

The Bengal Municipal Act, 1932 has been in operation in this State during the last 41 years. There have been several amendments in the Act. It has also been admitted that in the context of changed circumstances now obtaining in the country a consolidated and comprehensive municipal Act is already overdue. It may also be recalled that the 'Bengal Municipal Act, 1932 had certain serious short-comings and defects from its original drafting and the subsequent amendments, except increasing Government control, could not improve the situation. It may also be mentioned that during the last few years the condition of the West Bengal Municipalities has come to a sorry state of affairs. The major short-comings in the Act and in the functioning of these bodies as noticed by the author have already been mentioned.

### *Conclusion*

In conclusion of our discussion on the growth and development of municipal Government of this State it has to be stated that the majority of our urban bodies are not economically viable. In 1959 at a Conference of Municipal Chairmen at Darjeeling it was admitted by the Government that 'the municipalities cannot undertake any development work from their own resources'. It was also decided that a high power committee would be appointed to draw up a master-plan for the municipalities of the State. Unfortunately no step has yet been taken to implement the said decision. In 1960 the emergence of the C. M. P. O. with its big promise for the development of Greater Calcutta was largely heralded by the Press and the public. But the contributions of the C. M. P. O. are, as yet, disappointing and unsatisfactory.

In the larger interests of the West Bengal Municipalities the following



suggestions are made for urgent consideration and implementation of the same by the Government. The suggestions are :-

- (1) A thorough revision of the Bengal Municipal Act, 1932 in the context of requirements and need of the urban people of the state.
- (2) Provision of adequate financial resources—preferably those recommended by the Local Finance Enquiry Committee, the Taxation Enquiry Commission, the Zakaria Committee and other such expert bodies.
- (3) Adequate training arrangement for the municipal staff.
- (4) A suitable maintenance Grants.
- (5) Appointment of an Expert Committee to draw up a suitable development Plan for the district municipalities of the State. (The Calcutta Metropolitan Planning Organisation has drawn up a Plan for the Greater Calcutta).

After the introduction of the Panchayati Raj it is expected that the State Government will adopt a new policy in regard to the urban bodies of our State so that they may play a positive role in the matter of planning and development.



## APPENDIX—I

### A STUDY IN THE WORKING OF PANCHAYAT SYSTEM IN WEST BENGAL

*(A report on field work undertaken by the author during 1964-1965)*

Panchayat System in West Bengal came into operation in 1958 under the West Bengal Panchayat Act, 1957. It has also been stated earlier that West Bengal had evolved in its Panchayati System certain innovations. In other States there are three 'tiers' in the Panchayati Raj structure—in West Bengal an additional tier i. e. 'Anchal Panchayat' was introduced in between the 'Block' and the 'Village' level. Practically speaking this has replaced the old 'Union Boards'.

#### *Object and purpose of the study*

The purpose of this study is in the first instance to assess the utility of this 'additional tier' and to estimate the justification of its continuity in our Panchayat System. Along with this a spot study was made in regard to the basic Panchayati structures—the Gram Sabha and the Gram Panchayat. Enquiries were made about the contributions of these bodies regarding village re-construction and developmental work. A questionnaire in Bengali was printed to cover the aforesaid matter.

#### *Questionnaire on Anchal/Gram Panchayat*

The questionnaire was divided into two main parts. The first part was more or less descriptive. It contained some queries regarding the Village Panchayat like its area, population (including character of the population, major occupation of the villagers, number of primary schools/libraries and of co-operative institutions functioning in the village. It further covered necessary particulars about the person who was interviewed (his name, age, occupation, religion, education, social status, past experience in regard to local body and political opinion, if any).

In the second part there were altogether 15 questions. The major queries were related to the Anchal Panchayat and its comparable utility to the old 'Union Board' (under the 1919 Act). Opinions have also been sought in regard to its mode of election (direct or indirect), whether the Anchal is a handicap to the Gram Panchayat and whether it should be abolished or not.

Further, queries were made regarding the contributions made by the Gram Panchayat in developmental activities, if any, and also in regard to the activities of the Gram Sabha. Lastly opinions were also



sought about the introduction of 'adult franchise' and its reaction on the new village institution. There were also questions about the work of the Chowkidars and Dafadars under the new administration and the formation, if any, of the Naya Panchayat (the Judicial Body).

#### *Visit to the Panchayat areas*

Altogether 35 village Panchayats were visited during the period under review. These villages covered the districts of Burdwan, Birbhum, Hooghly, Nadia, and Howrah. Fortunately I had the privilege of a companion, a basic school teacher, fairly known in some of the aforesaid areas. Some of my senior students also helped me largely in collecting datas.

#### *Radio talk and press publication*

It may further be reported that the Calcutta Station, A. I. R. kindly allowed me a talk on my tour impressions of Panchayat areas in West Bengal on 27.5.65. I had also the privilege of publishing the experience of these visits in the most popular Bengali Daily (The Annanda Bazar Patrika) in 8 serial discussions\* published from October to December, 1965.

Although Panchayats had been functioning in this State since 1958 it was observed that in many places their organisational structures have been set up only 2 or 3 years ago. As such their contributions in the local development work are extremely limited. It was also noticed that the 'Gram Sabha members', including the office-bearers, were not yet conversant with the provisions and the scope of the new Panchayat Act and Rules. It was therefore natural that there was hesitancy in their replies on some of the points of our questions on this latest experiment of our democracy.

#### *Local development work*

Even with these initial hurdles and limitations it was observed that the Panchayats contributed even in a small way in the matter of reconstruction and developmental work. Not only this. The village people closely associated themselves in these programmes and contributed either in cash or in kind. The village people of Ukrundi and Gopalnagar made a notable contribution in this direction. Ukrundi and Gopalnagar are under Nanoor Block. It may be recalled that Nanoor is the birth place of the famous Vaisnab Poet Chandidas. Every year thousands of people come from all over the State to visit Nanoor. A mela is also held in connection with his birth anniversary. An important concrete road culvert covering both these villages was constructed in 1963 under the

\* 'Panchayat Dekhe Elam'.



joint efforts of the local Panchayat and the Block. Near about Rupees 6000/- was spent for the purpose. Village people informed us that they not only contributed donations but every one of them gave their labour in building up this important road culvert. This facilitated easy movement of all types of village transport.

### *Flood inundated village*

Incidentally it may be mentioned that our first visit was the Beguncola village in the Burdwan district. It is located on the west of Katwa. In order to reach the village we had to cross Ajoy river. Although major occupation of the village is agriculture—quite a large number of them carry on milk trade. Some are also engaged in cottage industry, namely, brass metal works for cooking purposes. We were reported that the village people have to suffer every year from the ravages of flood. We met Panchayat Adhyakshya and we contacted some Panchayat members also in his house. Panchayat had been constituted only a year back. Naturally no substantial work could be expected. So far 3 or 4 tube-wells were sunk, some minor culverts were constructed. Proposal has been forwarded for improvement and re-construction of the existing village night school. It was reported that due to absence of quorum no Gram Sabha meeting could be held.

### *Srikhanda (Burdwan)*

Srikhanda is a prosperous village located on the Katwa-Burdwan Light Rly. line. The bulk of the population is Hindu and the Baidya community have the largest predominance. There are masonry buildings side by side with fine thatched cottages. The building of the local high school deserves special mentioning. We noticed slokas and messages of great men inscribed on different parts of the school building. It is a nice structure. That the Panchayat is a living body could be gathered from the good condition of the village and from the construction of the small road culverts. Here also tube-wells were sunk. But the Panchayat had also sent proposals to have electric connection in the village. It was learnt that the local people informed the Government that they were prepared to bear one-third of the cost. The Anchal Pradhan is an experienced person in local self-government matters. Naturally he was in a position to judge the new Panchayat system. He opined that in this system people get the opportunity to improve their village conditions according to their own plans and schemes. Any such possibility was not available in the old village system (Union Board). But the success of the Panchayati Raj depended largely on adequate financial resources. He observed that such resources are at present seriously lacking.



In April and May, (1965) we visited Kaichar (under Birbhum district), Ballavpara (Nadia), Mostali (Labpur) and Surul (Birbhum). Particular mention may be made of Ballavpara, Mostali and Surul.

### *Ballavpara (Nadia)*

Ballavpara belongs to Nadia district. It is a refugee dominated village. The major occupations of the villagers are agriculture and hand loom. In contrast to other villages (in Burdwan and Birbhum) it was noticed that most of the village houses were new having corrugated tin sheets as roof-cover. Panchayat started work from the end of 1963. During this short period only village roads have been re-constructed. A notable achievement is a deep tube-well jointly constructed by the Panchayat and the Block. During the two days that we stayed in the village we were able to meet at least a dozen members. It is significant that none of them had any previous experience in Local Government work. It may be recalled that under the new Panchayat system 'adult franchise' has been introduced for the first time in the rural local bodies of West Bengal. As such people belonging to all classes of the rural community obtained opportunity for the first time in entering the arena of the local government. We were informed that the urgent need of the village was a small hospital or at least an up-to-date charitable dispensary. Necessary application had been forwarded to the department in this behalf.

### *Mostali (Birbhum)*

Mostali lies close to Ahmedpur-Katwa Light Rly line. It is under Labpur Anchal Panchayat (Birbhum district). Labpur is also a development Block. The soil in this part is reddish and rather hard. Cultivation is an arduous task. The main problem of the area is inadequacy of irrigation water. Panchayat constructed a deep tube-well. About a mile long road had recently been constructed by the initiation of the Panchayat with the assistance of the local people. It is a laudable effort.

### *Medical facilities lacking*

While discussing contributions made by the Panchayat bodies in the matter of rural reconstruction and development we have also to state the existing conditions of the West Bengal villages. Speaking generally, we noticed practically in majority of the villages dearth of adequate medical facilities. Qualified medical men are found either attached in a rural health centre or in an extremely developed village. Thus people living in distant villages far in the interior are helpless victims of the village quacks even after 18 years of our national independence.



TABLE NO. VI

**Particulars of Members (Gram and Anchal Panchayat) and Heads of the Panchayat Bodies**

Number of Districts studied : 4    Number of Blocks studied : 8

Number of Panchayats studied : 30

Total No. of Respondents : 82, Heads —55, Members — 27

Sl. No. 1

Age

Gram

Nil

26

56

82

3. Not known

2

2  
82



TABLE NO. VII

## ANCHAL PANCHAYAT VIS-A-VIS GRAM PANCHAYAT

Name of the Block	Name of the District	Number of Heads from each Block. Number of members from each Block.	Anchal has facilitated G. P. work	Anchal is a handicap to G. P.	Anchal has curbed the power of G. P.	Anchal has not curbed any such power.	Should An- chal Pan- chayat be abolished?	Members expressing their inability to give any opinion.	Introduction of Direct Election in Anchal Panchayat.	Retaining present form of Indirect Election in A. P.	Adult franchise is a good system.	Bad system	It has encouraged election of undesirable and incompetent persons.	
Dhaniakhali	Hooghly	6+4 =10	7	1	2	6		7	1	1	9	9	1	1
Labpur	Birbhum	9+3 =12	6	3	3	5		6	3	6	3	12		
Nanoor	Birbhum	13+9 =22	14	7	13	9	3	11	8	19	3	17	2	5
Haripal	Hooghly	18+5 =23	16	8	11	10	2	13	7	14	9	21	1	3
Tarakeswar	Hooghly	3+3 = 6	6		1	5		6		3	3	6		
Ketugram	Burdwan	2+2 = 4								2	2	4		
Srine katan	Birbhum	2+1 = 3								2	1	2		
Bally	Howrah	2+0 = 2	2					2		2		2		
Total		82	51	19	30	35	5	45	19	49	30	73	4	9

[See pp 191—192]



*Co-operative Institutions inadequate*

Another noticeable feature that we noticed in these villages is almost absence of any co-operative institutions (excepting Bolepur-Srinekatan Anchal). This absence indicates the weakness of the co-operative movement in this State. This fact has further been confirmed when we remember that co-operatives have no separate representations in the Panchayat bodies of West Bengal (Village Panchayat to Zilla Parishad) something unique in the whole of India.

*Surul*

We completed our Birbhum journey with a visit to Srinekatan. Particular reference has to be made about Surul. Rabindranath practically started his village reconstruction work in Surul. It is close to Srinekatan. Compared to the villages which we visited earlier in the Birbhum and Burdwan district Surul is by far the best. Its remarkability lies in its cleanliness and serenity. Its population is about 2500. The population covers both agriculturists and non-agriculturists. Among the non-agriculturists, there are many belonging to higher income group having diverse professions. We met the Anchal Pradhan as also some of the Gram and Anchal Panchayat members. It was reported that the Panchayat was managing an 'allopathic' dispensary with provision of a medical practitioner on co-operative system. The medical officer's assistance as also medicine from the dispensary are available to the members at extremely low rates. Apart from this, the Panchayat had submitted to the higher authority a 'fishery project' on co-operative lines. Incidentally, it may be mentioned that a section of the members complained that the surplus fund from the local Panchayat (Surul) was being spent in other adjoining Panchayats. In their opinion this was improper.

*Sample analysis*

It has already been stated that during the period under review we contacted about 120 persons in 35 selected Panchayats of our State. These Panchayats covered altogether 8 Blocks (Ketugram, Labpur, Nanoor, Srineketan, Haripal, Tarakeswar, Dhaniakhali and Bally). It may further be stated that out of these 120 the views of 82 persons consisting of 25 Pradhans, 30 Adhyakshas and 27 members were recorded. Apart from these I had the opportunity of meeting eminent persons, legislators, journalists, teachers and Government officials in regard to the working of the new Panchayat system of our State. It has been observed that by and large our intelligentsia are 'sceptic' about the role of these village bodies. In their opinion village faction has largely increased after the introduction of Panchayat system. Our findings are now presented in the following pages.



*Age*

It is noticed that in our sample majority of the Panchayat members are above '40 years' in age. It is also interesting to note that out of 55 Pradhans and Adhyakshas 41 belonged to the age group '40 and above'. If we take the 'members' (27) into consideration this figure would further go up i.e. 56. The corresponding figure of the persons under the age group '25—40' was '26' only. Of course, there is nothing new in it. By sending village elders to these Panchayat bodies our villagers are still maintaining the traditional village custom of India.

*Literacy*

In regard to literacy it is heartening to note that the majority of the respondents completed primary education. There were as many as 20.7% 'matriculates' and 17% had 'post-matric education'. Amongst the respondents only 'three' were found illiterates.

*Occupation*

Our next finding was in regard to 'occupation' of the persons whom we interviewed. Out of 82 respondents 78 replies were obtained. It is noticed that as many as 46 had 'agriculture' as their profession. It is further observed that the next gainful occupation in which members were engaged was 'service' (18). And in the 'service group' teachers had the largest share.

*Predominance of 'male sex'*

It has been already indicated that 'women' have very little representation in these local bodies. In 1964-65 there were only 91 and 27 women members respectively in the Gram and Anchal Panchayats of this State. It is therefore no wonder that our sample consisted of only 'two women' respondents. One of them was an Adhyaksha belonging to the Nanoor Block.

*Minority representations*

It is a welcome sign that even though small our sample contains representations from the minority community (Muslim) also. Out of 82 respondents 7 belonged to the Muslim community. Of the seven respondents one was an Upa-pradhan, four were Adhyakshas and two were Anchal members



*Experience in Local Body work*

As regards past experience in local work (Union Board/District Board) 61 had no past experience. Amongst the 55 Pradhans and Adhyakshas only 16 had experience in local body work. It may be recalled that for the first time 'adult franchise' was introduced in 1957 in the rural local bodies of West Bengal. As a result men having no experience could enter in the arena of local politics.

*Political affiliation*

Our next finding was 'political affiliation of the members. By and large majority of the Presidents and members (43 out of 77) belonged to the Congress party. Thirty-one declared them as independents. Our sample also indicated that the Left parties had as yet little representation in these rural local bodies. Of course, some of the 'independents' might have 'left opinion' which they did not express during the period of interview.

*Panchayat system better than Union Board*

With regard to our query whether the present Panchayat system was better than the old Union Board under the '1919 Act' the consensus was in overwhelming proportion in favour of the new Panchayat system. But an analysis of our findings revealed that in spite of this broad agreement a large number of respondents (45 out of 82) considered that the present financial resources of the Panchayats were quite inadequate to meet the requirements of these bodies.

It is further interesting to note that even while supporting the new Panchayat system a considerable number of the respondents felt that under the present system 'village factions' had increased.

*Anchal Panchayat useful*

Our next important query was in regard to the contribution made by the Anchal Panchayats. Enquiry was made whether the Anchal had been facilitating the work of the Gram Panchayat and also to know its utility in the West Bengal Panchayat System. Out of 81 respondents (including the heads of the Panchayats and their members) 61 were of opinion that Anchal Panchayat had 'promoted' the work of the Gram Panchayat.



It is also significant that as many as '30' respondents opined that the Anchal Panchayat had been largely responsible for curbing the 'power and influence' of the Gram Panchayat (Table No. 2).

In answer to our query whether 'Anchal Panchayat' should be abolished or not it was noticed that out of '69' respondents only '5' favoured its abolition. On the other hand '45' desired its retention in the present form and '19' respondents failed to express any opinion over the issue.

#### *Direct Election in Anchal Panchayat*

Our next query regarding the mode of election in the Anchal Panchayat stage. It may be recalled that in the 'West Bengal Panchayat Act, 1957' Anchal Panchayat members are indirectly elected by the Gram Panchayat members. It is observed that out of the 77 respondents an overwhelming numbers (49) favoured 'direct election' in the Anchal Panchayat stage also. (In the Gram Panchayat members are directly elected)

#### *Conclusion*

At the very outset I expressed my limitations in undertaking a survey work on the new village Government of our State. It may be recalled that the system is new, people are not yet conversant with all the provisions of the Act and Rules and the process of the 'the democratic devolution of power' has yet to be completed. In spite of all these difficulties the following conclusions may be drawn from our aforesaid findings :-

- (1) That the new Panchayat system has been welcomed by the majority of the respondents whom we interviewed ;
- (2) That the success of the new system depends largely on the availability of funds by the Gram Panchayat either as its own resources or as contributions from the State Government ;
- (3) That there are difference of opinion in regard to the role of the Anchal Panchayats—the 'additional tier' of this State. It is suggested that for the smooth and proper functioning of the Gram Panchayats the constitution and functions (including mode of election) of the Anchals may suitably be amended and modified ;
- (4) That in the last analysis the success of this new system depends on the close co-operation and association of the village masses with these statutory bodies. To a large extent this might be possible by activating the basic body—i.e. the Gram Sabha.



## APPENDIX—II

### WEST BENGAL PANCHAYAT ACT, 1973

It may be recalled that the West Bengal Legislative Assembly in its Autumn session (1973) adopted a comprehensive Bill in regard to Panchayati Raj in West Bengal. Vital changes affecting the structure of the existing Panchayat and Zilla Parishad Acts have been introduced in the new Act. After its adoption\* as an Act it will replace the two existing Panchayati raj acts of the State. An Attempt is now made to discuss some aspects of this new Act. The main features of the Act are :—

#### *Main Features*

1. The Act comprises 224 Sections and 3 Schedules. The sections are again grouped into 19 chapters having 5 parts in them. It also contains a short statement of Objects and Reasons explaining the causes for introduction of the Act.

2. It is a comprehensive enactment which covers both Panchayat and Zilla Parishad Acts into one single legislation.

3. In tune with the Panchayati Raj acts of other States, the present Panchayat Act comprises three-tier structure instead of the existing four-tier structure. The existing additional tier (i.e. Anchal Panchayat) has been abolished.

4. In the Act all provisions in regard to Gram Sabha have been abolished.

5. Compared to the existing structure of the Gram Panchayat there has been large extension of its area, composition and functions in the new Act.

5. In the existing Act Gram Panchayats had no power in regard to imposition, assessment and collection of taxes. Anchal Panchayats enjoyed all these rights. After abolition of the Anchals these powers have now been entrusted to the Gram Panchayats. (Chapter VI)

\*The new Panchayat Bill received the assent of the President on 17.1.74. In the early part of the book this has been referred to as W.B. Panchayat Bill, 1973.



7. In the present Act Gram Panchayats have been entrusted to constitute Nyaya Panchayats for the respective Grams. In the existing Act Anchal Panchayats were authorised to constitute such bodies. (Chapter VII)

8. In the Act village defence has come under the purview of the Gram Panchayats. The Dafadars and the Chowkidars will now be administered by the Gram Panchayats instead of the Anchal Panchayats. (Chapter V)

9. Panchayat Samiti will now be the Second tier of the Panchayati Raj in West Bengal. It will replace the existing Anchalik Parishad, the organisation at the Block level. (Chapter VIII)

10. The composition and functions of the Panchayat Samitis as also of the Zilla Parishads have undergone certain modifications in the present Act.

11. In tune with existing Act there are provisions for standing committees both in the Panchayat Samiti as also in the Zilla Parishad. But the committees have been re-named and their total numbers have been reduced. (Chapters XI and XVI).

We have thus noted some of the features of the new Panchayat Act. It is admitted that in the context of the present state of affairs of the Panchayati Raj in West Bengal a thorough overhauling of the existing Panchayat System was long overdue. There was a sorry state of affairs. Due to non-functioning their condition had further worsened. The Administrative Report for 1967-68 had rightly observed—'There has been absolutely no co-ordination and mutual understanding amongst the different tiers. The Zilla Parishads are functioning more or less, as the District Boards. The Anchalik Parishads have very little defined functions. Anchal Panchayats being successors to the Union Board have nothing more to do than their predecessor bodies used to do. The only difference is that the Union Boards had some responsibility to execute development works in the villages. Gram Panchayats, which have the powers and responsibilities for development work in the villages, unfortunately exist only in the name . . . . The question should naturally arise whether there is any justification of these organisations in their present state. The sooner the confusion in respect of the powers, functions and the mode of work of the Panchayati Raj organisation of this State is considered the better."



We have to assess in the following pages how far and to what extent 'real democratic structures and laws' as promised in the 'Statement of Objects and Reasons' have been created in the new Panchayat Act. For the said purpose a comparative discussion is made of the existing provisions side by side with the proposals made in the Act.

*Elimination of Gram Sabha*—One of the most noticeable distinction that is observed in the present Act is the omission of the Gram Sabha from the new Panchayati System. It may be remembered that Gram Sabha is the general body wherein the adult members of a particular village could assemble and participate in the functioning of the Panchayat. Under the existing Act the Gram Panchayat had certain statutory obligations towards the Gram Sabha. Ordinary members had the privilege of direct participation in the working of the Panchayat though for a limited period. All these rights and privileges have now been withdrawn in the new Panchayat Act. This is undoubtedly a serious omission and an important lacuna of the Act. It may be remembered that practically all the Panchayat Acts of other States provide 'Gram Sabha's in some form or other.

*Gram Panchayat*—In the existing Act Panchayat area was comparatively small. It approximately covered about one or two village areas. Roughly a village in West Bengal covers 700 to 1000 population. In the Act while the provisions in regard to Gram Sabha have been dropped, a new connotation has been given to the proposed area of the Gram Panchayat. This has been named as 'Gram'. According Sec. 3(1) of the Act "the Government may, by notification, declare for the purposes of this Act any mauza or part of a mauza or group of contiguous mauzas or parts thereof to be a 'Gram'". The Act further provides that the name of the Gram by which it will be known as also its limits will be specified by the said notification. It is significant that the section does not clearly state the amount of population or the area to be covered by this new Gram.

Incidentally it may be mentioned that in the Orissa Act a clear picture is provided in regard to the maximum (more than six thousand) as also the minimum (less than two thousand) number of population to be covered by a Gram.

It is further expected that owing to the abolition of the Anchals the area and coverage of the proposed Grams will be largely extended.



The Gram Panchayat is the executive body of the 'Gram'. It shall be constituted by persons whose names have been included in the electoral rolls of the State Legislative Assembly pertaining to the area comprised in the Gram. The election shall be conducted by means of secret ballot. The number of members to be such elected shall not be less than *Seven* and not more than *twentyfive*. In the existing Act the number of Panchayat members was comparatively small. It ranged between 9 and 15. For the purpose of smooth election there is provision for constituencies. The constituencies are multi-seated. No constituency can elect less than three and not more than fourteen members to the Gram Panchayat.

*Grounds of Disqualification*—The grounds for disqualification for the purpose of election as members and heads of the Gram Panchayat are more or less similar as provided in the existing Act with certain modifications. There are nine such grounds in the Act. The persons having any of the disqualifications shall not be eligible for the election of the Gram Panchayat or Nyaya Panchayat or any of the office bearers of Panchayat. These are :—

1. Member of a Local Self-Governing body within the district ;
2. Employee of a Central or State Govt. or Panchayati Raj institution ;
3. Contract with any Panchayati Raj organisation ;
4. Dismissed from service on grounds of moral turpitude ;
5. Unsound mind ;
6. Undischarged insolvent ;
7. Undischarged insolvent not received certificate that the insolvency was due to misfortune ;
8. Arrear in taxes ;
9. Convicted on grounds of moral turpitude for more than six months.

It may be further noted that in the present Act disqualification on grounds of age limit (under 25 years) has been omitted. Simultaneous membership of more than one local self-governing body has also been prohibited.

*Powers and functions*—Compared to the existing Act the powers and functions of the Gram Panchayat have been largely extended. Mention may be made that after abolition of the Anchal Panchayat its functions have now been vested in the Gram Panchayat. The functions are :—

1. Civic functions (Chapter III)
2. Development functions „
3. Village defence (Chapter V)
4. Village taxation (Section 45 and 47)
5. Constitution and administration of Nyaya Panchayats (Chapter VII)



Thus the proposed Gram Panchayat as envisaged in the Panchayat Act, 1973 will practically re-introduce the old 'Union Board' in a revised form. After re-organisation of the proposed 'Grams' and with the formation of the new 'Gram Panchayat' there may not be any organisation at the village level. It is also significant that the head of the proposed 'Gram Panchayat' has been re-named as the 'Pradhan' of the Panchayat in place of the 'Adhyakshya' as provided in the existing Act. Even while abolishing the 'Anchal Panchayat' the framers of the Act have retained some of its character and form in the proposed 'Gram Panchayat'.

*Panchayat Samiti*—It has been indicated that the Panchayat Samiti (the Second tier) will replace the existing Anchalik Parishad. Section 94 of the Act provides that there shall be Panchayat Samiti for every Block. The Samiti shall consist of the following categories of members. These are—

(a) Ex-officio member (b) Elected member (c) Associate member

It is further provided that the Ex-officio category shall consist of all the 'Pradhans' of the Gram Panchayat within the Block as also members of the Lok Sabha and also the Assembly Members elected from any constituency within the Block (not being Ministers). Similarly, this category will include members of the Rajya Sabha who have a place of residence in the Block.

In the elected category there is provision for direct election from each 'Gram'. Persons whose names have been included in the concerning Assembly voters' list for the Gram are entitled to send representatives (not exceeding three) to the Panchayat Samiti from amongst themselves. The Sub-divisional Magistrate shall be the Associate Member of the Samiti.

It is observed that compared to the existing Anchalik Parishad new changes have been introduced in the composition of the Panchayat Samiti. Unlike the existing Act, 'appointed' and 'co-opted' categories of members have been dropped. In the case of 'elected members' of the 'Gram' have been allowed additional membership in this higher Panchayat body. It is significant to note that the Block Development officer (who at present is an Associate member of the Block and also serves as its Executive Officer) is not a member of the Samiti. Of course, he can participate in the deliberations of the meetings of the Samiti without any voting rights.



It is further provided that the Block Development Officer will serve as the Executive Officer of the proposed Samiti (Sec. 119).

*Executives of the Samiti*—The main executives of the Panchayat Samiti will be called 'Sabhapati' and 'Sahakari Sabhapati'. In the existing Act they are known as the President and the Vice-President. It has been provided that apart from the Associate member, the members belonging to the category of 'Ex-Officio' members like M.P.'s and M.L.A.'s are ineligible to contest such election.

*Powers and Duties*—Section 109 of the Act provides powers and duties of the Panchayat Samiti. There are eight such functions. These powers and duties are almost same as mentioned in regard to the existing Anchalik Parishad (Details stated in Chapter VII of this book.

*Constitution of the Zilla Parishad*—Like the Anchalik Parishad, the constitution of the Zilla Parishad has also undergone some important changes. In the Act the Zilla Parishad shall consist of the following categories of members, namely

- (a) Ex-officio (b) Elected (c) Associate.

There is no provision for 'appointed members' as provided in the existing Act. The Ex-officio category shall include all the presidents of the 'Panchayat Samiti's within the district. Similarly, it shall include all members of the Lok Sabha and also members of the State Legislative Assembly elected from any constituency within the district. Further, it shall include such members of the Rajya Sabha who have a place of residence in the district. As regards 'elected' members there has been important modification. Instead of 'Gram Adhyakshyas' (as provided in the existing Act) ordinary members of the 'Gram' are now entitled to elect two persons from each Block in the Zilla Parishad from amongst persons whose names are included in the concerning Assembly voter's list of the area. It is observed that like the Panchayat Samiti there has been enlargement in the composition of the Zilla Parishad (particularly in the matter of elected members). The District Magistrate shall be the Associate member of the Zilla Parishad. It is a new provision.

*Executives of the Zilla Parishad*—In the existing Act the executives of the Zilla Parishad were known as the 'Chairman' and the 'Vice-Chair-



man'. In the Act they have been re-named as 'Sabhadhipati' and 'Sahakari Sabhadhipati'. All are not entitled to contest the election of the office of the Executives. Lok Sabha and Rajya Sabha members, members belonging to the State Legislative Assembly and also the Associate members are debarred from seeking such election.

*Tenure of Office*—The Sabhadhipati, the Sahakari Sabhadhipati and other members of the Zilla Parishad shall hold office for a period of four years.

*Powers, Functions and Duties*—Sections 153—163 of the Act deal with powers and duties of the Zilla Parishad. It is found that these powers and functions are almost similar to the powers and duties as provided for the Zilla Parishad in the existing Act. Details of the same have been stated in Chapter VII of this book.

*Committee System*—Like the existing Act there is provision for Committee system both at the Panchayat Samiti as also in the Zilla Parishad level. Certain innovation has been introduced in the matter of Committees. All the Committees have been re-named in Bengalee term. Certain changes have also been introduced in their composition. The following Standing (Sthayee Samiti) Committees are found both in the Panchayat Samiti as also in the Zilla Parishad. These are :

1. Artha O Sanstha Sthayee Samiti
2. Jana Sasthya Sthayee Samiti.
3. Purtha Karya Sthayee Samiti
4. Krisi Sech O Samabaya Sthayee Samiti
5. Shiksha Sthayee Samiti
6. Khudra Silpa, Tran O Janakalyan Sthayee Samiti

Apart from these Committees, the Panchayat Samiti or the Zilla Parishad, as the case may be, may constitute any other Committee with the approval of the State Government.

A Standing or Sthayee Samiti shall consist of the following categories of members, namely, (1) Ex-officio (2) Elected and (3) Appointed. The Sab-



hapati of the Panchayat Samiti or the Sabhadipati of the Zilla Parishad, as the case may be, shall be the ex-officio member of the committee. Not less than three and not more than five members shall be elected by the members of the respective Panchayat body from amongst themselves. Apart from these members, the State Government shall appoint not more than three officers in the said Committee. There is also provision for a chairman of the Standing Committees (Sthayee Samiti). The Chairman is known as 'Karmadhyaksha'. He shall be elected by the members of the respective Sthayee Samiti. But members of the Lok Sabha, State Legislative Assembly and the Associate members are not eligible to seek such election. Powers and functions of these Committees (Samitis) shall be determined by the Prescribed authority as also by the respective Panchayat body.

### *Observations*

An analysis of the structure of the Panchayat Samiti as also of the Zilla Parishad, including these Standing Committees, may reveal that compared to the existing Act these have been to some extent democratised. Particularly, the provision in regard to members of the Legislature is worth noting. They have been allowed to retain membership of these bodies without having any right to seek election as office-bearers. Thus the recommendation of Sri Talukdar (mentioned in P 108) has been partly implemented. This restriction, as mentioned earlier, may help in creating effective rural leadership in these higher Panchayat bodies. On the other hand no step has yet been taken to remove the weaknesses and anomalies in the organisation at the Block level. Separate organisation for the Community Development still continues. In the proposed Act there is no provision for joint functioning of the Community development and Panchayat work. This is unfortunate and this may retard the progress of rural development work.

### *Financial Provisions*

We mentioned earlier that "the purpose and object of the Panchayati Raj will remain ineffective and wishful thinking unless the different institutions that come into being with the setting up of the Panchayati Raj are provided with adequate financial resources. Devolution of power and creation of new popular authorities will be meaningless if they fail to perform these commitments and obligations in this behalf." These observations still hold good in regard to revised Panchayati Raj structure



as suggested in the Act. Compared to the existing provisions there has been no change in the financial resources of the Panchayat Samiti and of the Zilla Parishads. No new sources of revenue have been suggested for these bodies in the Act. Only in the case of Gram Panchayat some additional sources have been provided. Further, there has been some minor modification in the existing tax rate. It has already been indicated that the Gram Panchayats will henceforward impose, assess and collect taxes in place of the Anchal Panchayats. Sec 46 (1—6) provides sources of revenue for the Gram Panchayats. Apart from the existing sources, it is proposed that the Gram Panchayats shall levy (a) additional stamp duty at the rate of 2 % on all transfers of immovable property situated within the local limits of the Gram (b) An additional stamp duty at the rate of 10 % on all payments for admission to any entertainment.

We do not know as yet how much additional revenues will be collected by these new sources. But it is felt that in the context of various functions and duties assigned to the Gram Panchayat its resources are far from satisfactory.

*Provision for Audit*—Detailed provision for Audit is a special feature of the Act. Part V of the Act deals with the appointment of the Auditor, his powers, audit report and actions on audit report. Like the municipal Act, there is provision for surcharge. The Auditor is empowered to disallow every item of account contrary to law and surcharge the same on the person making or authorising the making of the illegal payment. This type of control is urgently required to stop negligence or misconduct on the part of the overzealous Executives and or Officers.

*Control and Supervision*—All the existing checks and controls over the Panchayat bodies have been retained in the Act. It has also been provided that the State Planning Board and the District Planning Committee shall have power to supervise and evaluate the works of Panchayat institutions at different levels. It has been observed earlier that the primary object of the 'Control and Supervision' should be to serve as guide, adviser and friend to the local bodies. All attempts should be made to build up effective rural leadership at all levels. Only then the objectives of the Panchayati Raj will be realised.



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